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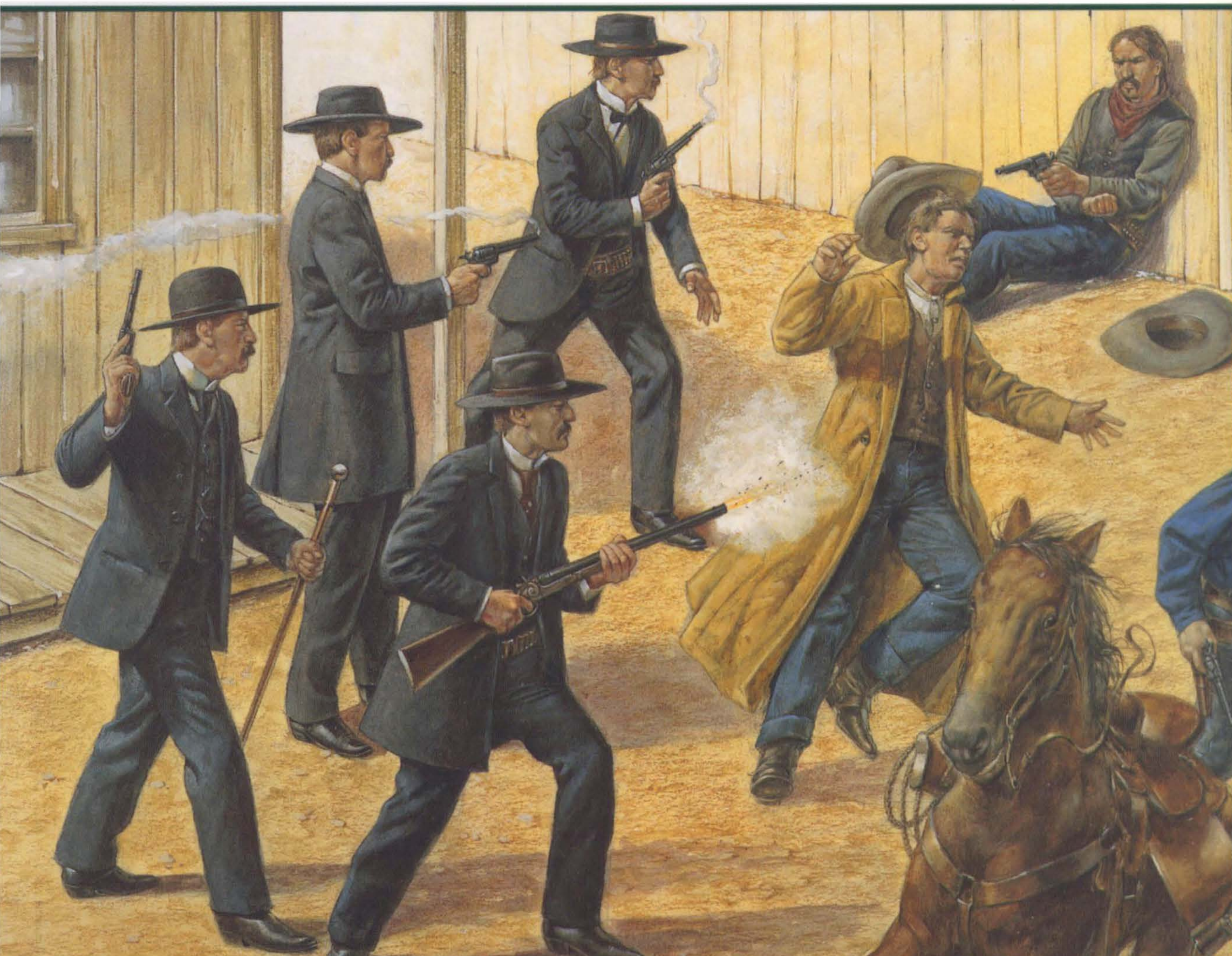
American Frontier Lawmen 1850–1930



Charles M Robinson III • Illustrated by Richard Hook

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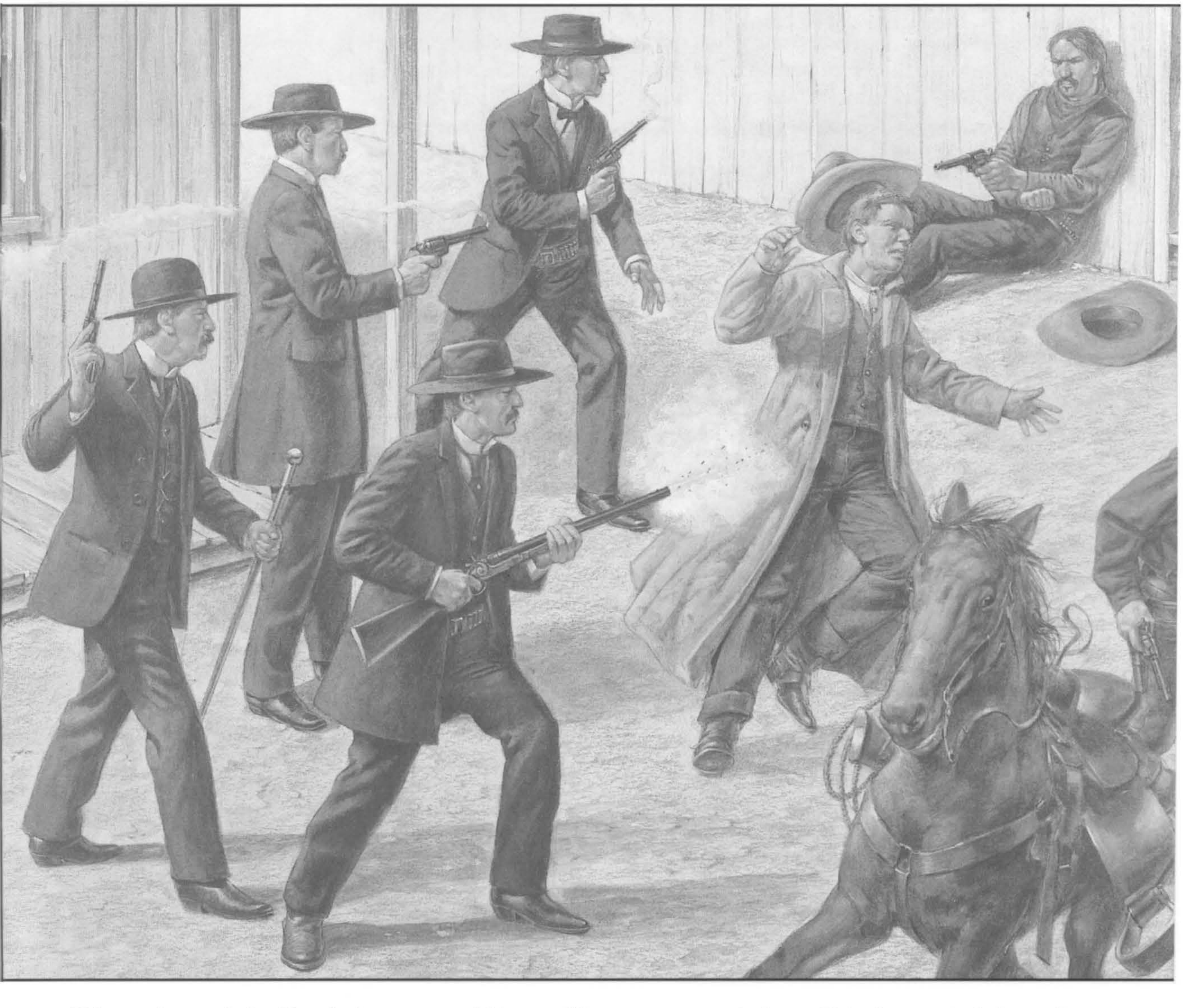

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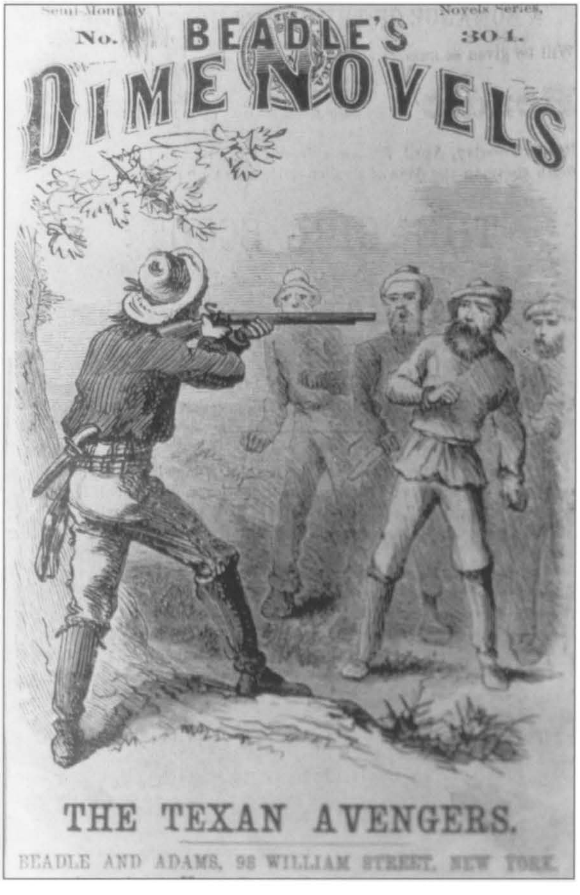
AMERICAN FRONTIER LAWMEN 1850–1930

ROUGH LAW FOR A ROUGH LAND

"Manifest Destiny" was the 19th-century concept that enshrined the belief that the embryonic American people were destined to advance to the Pacific, extending the benefits of their civilization and institutions to the entire continent. By the second half of the 19th-century, it became clear that the American people often advanced more rapidly than their institutions, and one institution particularly lacking in the early West was formal law enforcement. Areas were settled and towns grew before any sort of local or regional jurisdiction was established, and the federal government was often equally slow to respond. If a military post was located nearby, the commander might extend his authority to an adjacent town, as much to control his own troops as to control the civilian populace. Otherwise, citizens were left to their own devices. Faced with the need for some sort of order, and to quell the lawlessness of the gold fields and cow towns, the good people of the West resorted to what 19th-century historian Hubert Howe Bancroft called "popular tribunals." In the mining camps, miners might elect one of their own, who showed enough intelligence and common sense to command respect as a judge. This man continued to work his claim, and when a case arrived, he would convene a court on the nearest tree stump. Sometimes a local citizen with a popular following might be designated judge by default. But perhaps the most highly developed of the popular tribunals was the vigilance committee.

As early as the 1870s, eastern readers entertained themselves with stories of frontier justice in dime novels like this one. (Author's collection)



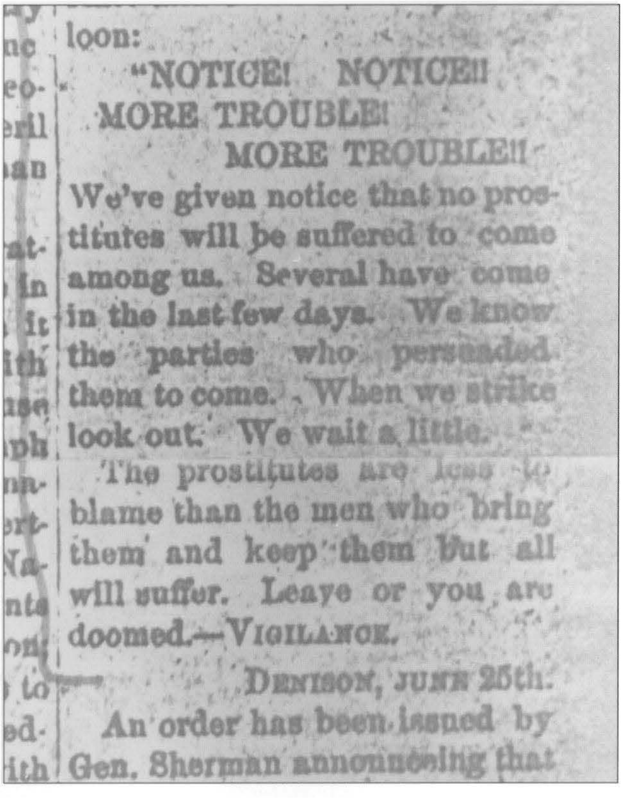
The term "vigilante," as a member of these committees was called, has come under attack in modern times, conjuring images of a blood-crazed mindless mob bent on killing anyone who gets in its way. In fact, the lynch mob was almost the opposite of the vigilance committee, whose members often were highly respected citizens, filling a role that conventional law enforcement could not – or would not – fill. Vigilantes knew who they were after, and had solid reasons for pursuing them. Vigilantism itself is based on the social contract, specifically, that government is obligated to protect life, liberty, and property, in exchange for loyalty and obedience from its citizens. If, however, government fails to provide those protections, the citizens are absolved of obedience and, by extension, can invoke the age-old law of private justice.

Even the most sophisticated pioneers understood that the early West required a different approach from the well-ordered East. Professor Thomas J. Dimsdale, an Oxford graduate who became Montana's first superintendent of public instruction in about 1864, observed vigilantism first-hand in the rough-and-tumble gold town of Virginia City. In a region where respect for the law was non-existent and corruption reigned supreme, Dimsdale wrote, "it becomes absolutely necessary that good, law-loving, and order-sustaining men should unite for personal protection, and for the salvation of the community. Being united, they must act in harmony; repress disorder; punish crime, and prevent outrage, or their organization would be a failure from the start, and society would collapse in the throes of anarchy. None but extreme penalties inflicted with promptitude, are of any avail to quell the spirit of the desperadoes with whom they have to contend.... Secret they must be, in council and membership, or they will remain nearly useless for the detection of crime, in a country where equal facilities for the transmission of intelligence are at the command of the criminal and the judiciary; and an organization on this footing is a VIGILANCE COMMITTEE."

Many vigilance committees fitted the bill; they were formed to handle a particular emergency and when that emergency was passed – which is to say when real law and order were established – they disbanded. Unfortunately, others fell into the ultimate temptation of such organizations, to settle private quarrels that did not adversely affect society as a whole. Often this resulted in a blood feud, which noted Texas historian and self-styled "feud collector" C.L. Sonnichsen once defined as the more highly developed cousin of the lynch mob. Blood feuds arose when well-defined factions with strong senses of grievance decided to exterminate each other. They were particularly common in Texas, where the Southern sense of personal honor and resentment over the Civil War combined with the Western penchant for settling things without recourse to formal law. Thus Texas remained a lawman's nightmare from the end of the Civil War until the close of the 19th century.

Southern resentment aside, the American West exploded with activity following the Civil War. Whereas it took over 340 years, from 1607 to 1848, to settle the area from the Atlantic Ocean to the eastern edge of the Great Plains, the region from the Great Plains to the Pacific was entirely developed by 1890. The greatest push came during the 25 years immediately following the Civil War's end in 1865. The federal government, having established supremacy, no longer needed to placate the opposing interests of North and South, but instead acted in the benefit of the

A notice from Fort Griffin, Texas, in a regional newspaper of 1876, warns prostitutes and their pimps to leave town or answer to the Shackelford County Vigilance Committee. (The Center for American History, the University of Texas at Austin)



loon:

"NOTICE! NOTICE!!
MORE TROUBLE!
MORE TROUBLE!!

We've given notice that no prostitutes will be suffered to come among us. Several have come in the last few days. We know the parties who persuaded them to come. When we strike look out. We wait a little.

The prostitutes are less to blame than the men who bring them and keep them but all will suffer. Leave or you are doomed.—VIGILANCE.

DENISON, JUNE 25th.

An order has been issued by Gen. Sherman announcing that nation as a whole. One significant result was the Trans-Continental railroad, which made the West accessible. Then came the Panic of 1873, a serious economic depression that sent tens of thousands of homeless, jobless people out on the frontier to seek a fresh start in life. The Black Hills gold strike in the Dakotas, and the Tombstone silver strike in Arizona accelerated the process, as did the shift from open range ranching to fenced ranching. The demand for law and order outstripped the availability of courts and lawmen.

Yet effective as vigilantes may have been, the community as a whole looked for an alternative. Most settlers on the frontier were peaceful citizens, seeking only to better themselves. In their view, popular justice could never substitute for the real thing, particularly given the very fragile line – brutally revealed in Walter Van Tilburg Clark's novel, *The Ox-Bow Incident* – separating formal vigilantism from its opposite, the lynch mob. Often, though, the community had to take what was available. In many cases, this meant a gunfighter whose reputation commanded respect from others of his kind. Thus, many of the more famous Western lawmen, such as Wild Bill Hickok and Wyatt Earp, led lives that were at best questionable. Even so, the gunfighter-lawman was generally reliable, and could be depended on to keep the more lawless element under control.

One of the problems facing the Western lawman was that not everybody agreed on what constituted a crime. There was a fine distinction between an "outlaw" and a true "badman." Outlaws often were outside the law for political and social reasons beyond their control, and this was particularly true during the chaotic period following the Civil War. The outlaws struck back at the symbols of power that put them outside the law, such as banks, trains, express companies, and the post office. Many otherwise honest and decent citizens supported the outlaws, because their targets were seen as institutions that benefited the rich at the expense of the ordinary citizen. The public particularly despised the railroads, with their price-gouging freight rates, and banks that charged usurious interest rates, and repossessed farms and ranches at the slightest opportunity. Thus the men who robbed banks and trains, like Sam Bass, Jesse and Frank James, and Cole and Bob Younger, were considered friends of the little man, while the lawmen who chased them were the enemy.

Sometimes the army lent a hand at law enforcement, but even the military could not always count on citizen support. In April 1877, Brig. Gen. George Crook's aide, Lt. John G. Bourke, wrote in his diary: "The Black Hills, serving, as all new communities do, as a resort for crowds of the vilest and most unprincipled outlaws, became from the proximity to the Indian Agencies, a den of horse-thieves who depredated upon the

A prospector with a Winchester rifle takes his turn guarding a claim during the Black Hills gold rush in South Dakota in 1876. Miners improvised their own legal system to maintain order in the rough-and-tumble camps. (Photo courtesy of the South Dakota Historical Society – State Archives)

peaceably disposed Indians without intermission. General Crook made every effort to break up these gangs, pursuing them with white and Indian troops and recapturing much plunder and, in one or two cases…apprehending some of the robbers who as soon as turned over to the civil authorities were immediately released upon technicalities."

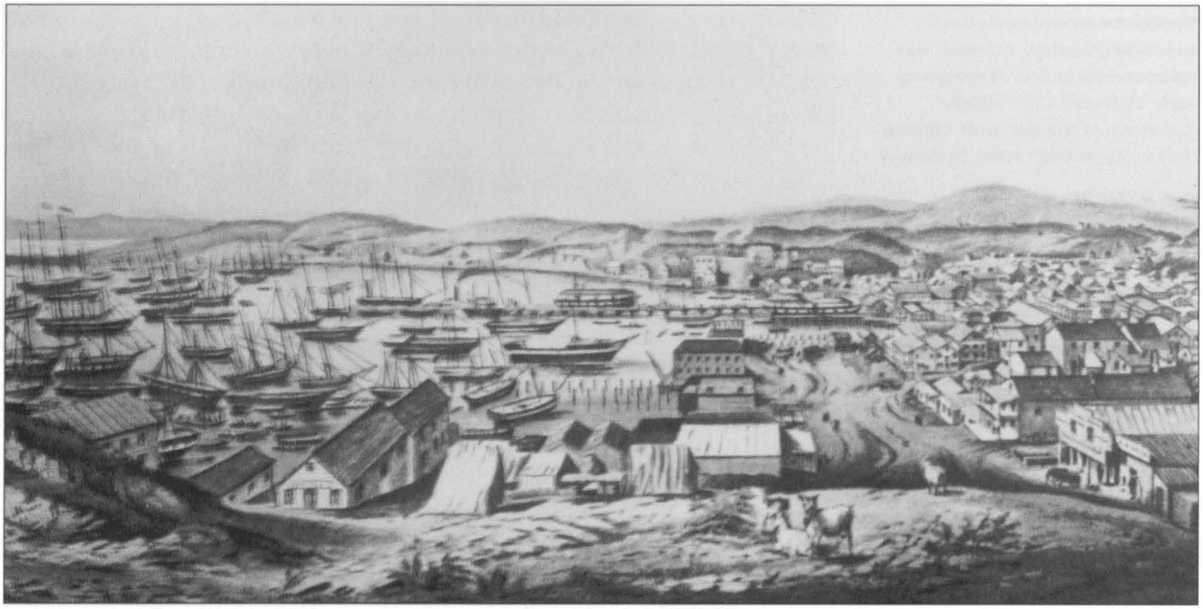
Gradually, however, the West was tamed. While the Earp brothers and Doc Holliday may have been no better than the cowboys they killed, their historic showdown at the O.K. Corral represented a victory of communal law over the rule of the strongest individual. "Hanging Judge" Isaac Parker, through his marshals and his gallows, imposed the power of the United States government on the lawless Indian Territory. Even crusty, dishonest old Judge Roy Bean did his part by commanding respect from the unruly railroad workers and cowboys of southwest Texas. Whatever his flaws, the frontier lawman was a harbinger of civilization who slowly drew the West away from popular justice and into the fold of law and order.

THE REIGN OF "JUDGE LYNCH"

The origin of the term "lynch" is obscure, but apparently came from the name of a man who practiced summary judgment: in some versions of the legend, he is a 15th-century Irish mayor. In others, he is a Virginia planter. And in still others, he is a South Carolina judge. Whatever the case, the term has come to mean a summary execution without the benefit of constitutional justice. Both vigilance committees and mobs practiced lynching, but, as previously noted, the two were not the same. The vigilance committee preserved order. As Bancroft wrote in his history of popular tribunals: "The vigilance committee will itself break the law, but it does not allow others to do so. It has the highest respect for law, and would be friendly with the law, notwithstanding the law is sometimes disposed to be ill-natured; yet it has a higher respect for itself than for ill-administered law." Bancroft wrote from personal observation, having arrived in San Francisco at the height of the gold rush, and, needless to say, of vigilantism. His history, in fact, primarily concerns the popular tribunals of gold rush-era California, where vigilantism was most renowned and highly developed. Indeed, it served a very definite social need.

Gold seekers flooded into California, setting up vast, sprawling shanty and tent towns in the gold fields. In the early days, placer mining in the streams often paid well, attracting prostitutes, gamblers, thieves, armed bandits, swindlers, and other criminal elements. With no formal law to protect them, the miners organized their own law, establishing miners' courts and vigilance committees to maintain order. In fact, Placerville, California, originally known as Hangtown, is testimony to their determination to live in some semblance of safety.

By mid-1850, mining had become more complex and expensive, forcing out the small miners and prospectors. Facing starvation in the gold fields, they flooded into San Francisco, adding to the city's already strained resources. In only two years, it had grown from a sleepy little provincial village to a sprawling metropolis. Tens of thousands of people came by land and by sea, hoping to make their fortunes. Once the easy gold played out,



San Francisco, seen in this Currier and Ives print from the early 1850s, was a boomtown, attracting the lawless elements from the American East as well as released convicts from Australia. There was so little formal control that citizens took the law into their own hands. (Author's collection)

desperate refugees turned to crime. The legal system, such as existed, was overwhelmed, and often had been corrupted by the lawless element. As one preacher noted at the time, "The city of San Francisco, may, with propriety, be regarded at the very citadel of his Satanic Majesty."

Two major gangs flourished, one consisting of Easterners, primarily from New York, known as the Hounds, and an even larger gang of released convicts from the penal colonies of Australia, who called themselves the Sydney Ducks or Sydney Coves. They roamed the city, casually killing people in saloons, then emptying their pockets, and setting fires, creating major blazes among the tinder-dry wooden buildings, and using the confusion to rob and loot.

The situation came to a head on February 19, 1851, when two Sydney Ducks entered the dry-goods store of C.J. Jansen, beat him severely, and made off with $1,586 and his gold watch. Police apprehended a man who called himself Thomas Burdue, but who initially was believed to be a notorious criminal named James Stuart, and a supposed accomplice, Robert Wildred. On February 21, an examining trial began to hear evidence, which included a strong alibi for Wildred. But when the judge adjourned until Monday the mood of the crowd turned ugly, and militia had to be called to the courthouse to fend off the mob.

The next morning, a crowd of over 8,000 citizens gathered in the main plaza to listen to harangues about law and order. Samuel Brannan, a Mormon elder and prosperous businessman, called out, "Why should we speak to juries, judges, or mayors? Have we not had enough of such doings in the last eighteen months? It is we ourselves who must be mayor, judges, law, and executioners. These men are murderers and thieves; let us hang them!"

The crowd seized the prisoners, and were preparing to hang them when cooler heads prevailed. An ad hoc trial resulted in a hung jury, and the men were jailed. Later they were able to prove their innocence.

Brannan, however, had had enough. Together with Jansen and William Coleman (who had convinced the mob to try Burdue and

Businessman and sometime scoundrel, Samuel Brannan was instrumental in San Francisco's early Vigilance Committee. (Courtesy of the Bancroft Library, University of California, Berkeley)

Wildred rather than lynch them), he organized about 200 men into the San Francisco Committee of Vigilance. As a "citizen posse comitatis," an ad hoc but well-organized group of citizens dedicated to the enforcement of law and order, the Vigilantes voted themselves power to try and execute prisoners if the legal system failed to do so.

The first man to feel the wrath of the Vigilantes was John Jenkins, a petty thief who was caught in the act of stealing a small safe. He was hanged to the approbation of the citizens and the newspapers. Then, in July, they captured the real James Stuart, who was hanged to loud acclaim on the Market Street Wharf. Two other criminals were forcibly removed from the jail and hanged.

Despite this bloodshed, however, it would be a mistake to believe the Vigilantes were swept up in a killing spree. After the initial furore over the Jansen affair, Brannan himself had promised that the committee would not take a life unless there was proof of guilt beyond doubt. As historian Robert Elman has pointed out, in the ensuing months, the Committee of Vigilance tried 89 suspects, of whom only four were hanged. One was publicly flogged, 28 were deported and, remarkably, 41 were declared not guilty and freed. The remaining 15 were apprehended by the Vigilance Committee, but turned over to police as the Vigilantes became more satisfied that the legal system would be capable of handling them. In September 1851, the Vigilantes declared San Francisco safe, and disbanded.

San Francisco's first experiment with vigilantism had lasted exactly 100 days, and the effect was felt throughout California. "[I]n all the mines, committees of vigilance were organized, guilty offenders summarily punished," gold fields merchant Alonzo Delano wrote, "and within thirty days, a security of life and property was felt throughout the whole length and breadth of the land, which had not existed since 1849."

Yet, given the overall conditions of the rough and tumble city, the quiet could not last. Political corruption was rampant, and fraudulent elections were commonplace. It generally was believed that several officials were elected by a bloc vote of San Francisco's underworld. By 1855, the tension was palpable, aggravated by a fall in gold production and the failure of several banks.

The second Committee of Vigilance, or what Bancroft called "the new crusade," was conceived in November 1855, when a ballot-box stuffer and gambler named Charles Cora murdered U.S. Marshal William Richardson in cold blood. Cora was arrested, but the Monumental Bell, which had summoned the original committee to action, rang again. The old crowd gathered again at the Oriental Hotel, where Brannan harangued the committee to seize Cora. Unwilling to tolerate the challenge to his authority, the sheriff arrested Brannan "as a general precaution against a public outbreak." Chastened, Brannan assured the sheriff there would be no lynching.

The first proceeding against Cora resulted in mistrial. As he waited in jail for a new trial, rumors flew about of corruption and jury tampering. Meanwhile James King, editor and publisher of the *Evening Bulletin*, ran editorials denouncing the political machine, and speculating that jailer Billy Mulligan would probably let Cora escape. The situation came to a head, when he attacked James P. Casey, editor of the rival *Sunday Times*, and an election inspector who had managed to gain a seat on the Board of Supervisors, even though no one knew he was running for office. King also pointed out that Casey had served a prison term in New York before coming west. On May 15, 1856, Casey confronted King on the street and gunned him down at 15 paces.

Casey was arrested and jailed. Four days later, however, the Vigilance Committee acted. Armed with rifles, bayonets and a cannon, the Vigilantes marched on the jail and threatened to open fire unless Casey and Cora were surrendered. Over the next two days, the committee held a trial. Not only was Casey tried for the murder of King, but for a whole catalog of offenses since his arrival in San Francisco. Declared guilty, both men were hanged from the second floor of the committee's meeting house.

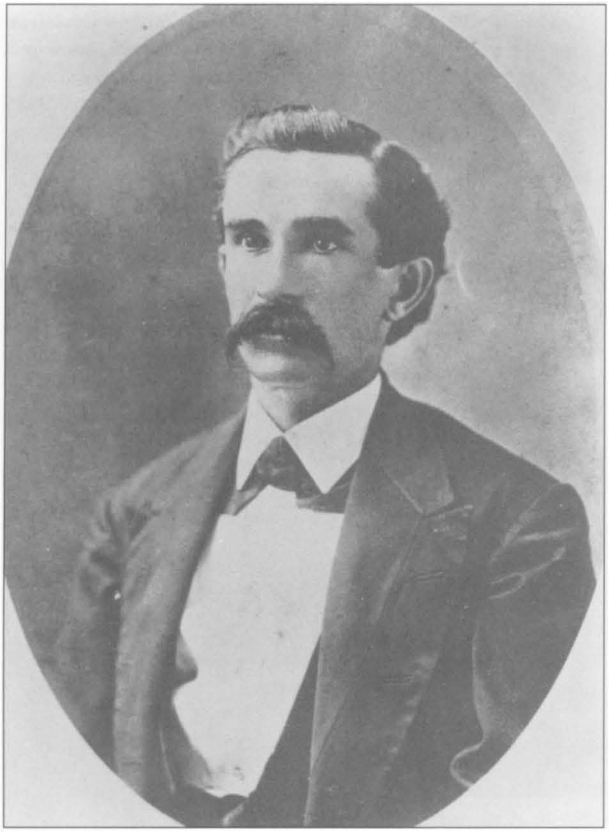
The second Vigilance Committee now numbered more than 6,000. The governor declared an insurrection and called out the militia, but the commander, Gen. W.T. Sherman, refused and resigned. In July, the committee hanged murderers Joseph Hetherington and Philander Brace, inspiring further terror in the city's criminal element. By August, all was quiet. The San Francisco Vigilance Committee held a triumphant parade, and disbanded forever.

Commenting on the Vigilante era, Delano remarked, "This was one of the most exciting periods in the history of California...." And while he supported the Vigilantes, he added, "may God grant that there may never be cause to have it repeated."

Texan vigilantes

Although Texas has had its share of lynchings and vigilantism, none was more highly developed than in the area along the Clear Fork of the

Brazos River some 150 miles west of Fort Worth. Because the most settled part of the Clear Fork Country eventually was organized as Shackelford County, the various vigilance groups have been lumped more or less together under the name of their ultimate state of development: the Shackelford County Vigilance Committee. At its height, in the mid-1870s, it members included some of the leading cattlemen and businessmen of the area, as well as members of the official law enforcement community. Only the Texas Rangers remained above it, and their attempts to investigate were thwarted by the committee's far-reaching political power.



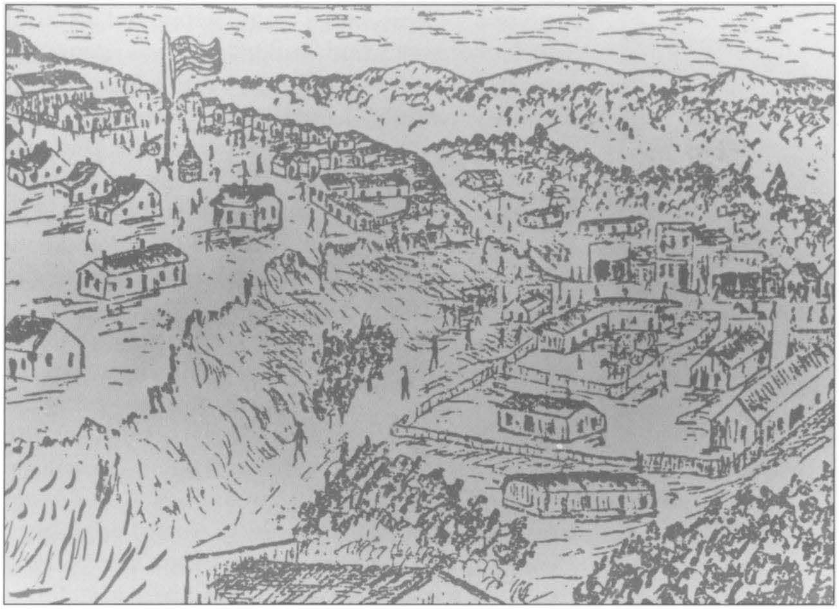
Major John B. Jones headed the Frontier Battalion of the Texas Rangers. Organized in 1874, the battalion was the first Ranger unit to hold police powers. Prior to that, they were a frontier defense force. (Texas State Library and Archives Commission)

In the earliest days of settlement, in the 1850s, law and order were maintained by soldiers at the military post of Camp Cooper, on the north side of the river. When Texas seceded, however, federal troops were withdrawn, and the job was assumed by a local citizens' committee known as the Old Law Mob. Because of the scarcity of contemporary records little is known about it, although when a malefactor was found lynched, a notice pinned to the body with the initials O.L.M. left little doubt as to who was responsible. Although the Old Law Mob's initial role seemed to be the maintenance of some semblance of order, by the time it faded from history in the late 1860s, it had degenerated into little more than a gang that murdered people to settle personal grievances.

The establishment of Fort Griffin, on a hill overlooking the south bank of the river in 1867, led to the foundation of a town on the bottomland, or flat, between the hill and the river. Officially, the town was designated by the Post Office Department as Fort Griffin, but was popularly called "the Flat." Like any town that centered its economy on the military, a large segment of Fort Griffin's population consisted of saloon keepers, prostitutes, and gamblers, eager to separate the soldiers from their hard-earned pay. As the 1870s progressed, it also became the center of the buffalo hide industry in that part of the country, and the hunters, their pockets full of cash from the sale of thousands of hides, proved another easy target for the town's underworld.

As long as there was no civil jurisdiction, the military extended its authority into the town. The formal organization of Shackelford County in 1874, however, removed the Flat from military control, and it became the seat of trouble. Killings and robberies were not uncommon, and cattle theft from the area ranches was chronic. By spring 1876, the situation had become so bad that local citizens formed another vigilance committee.

Interestingly enough, the vigilantes were led by the very person who should have opposed them, newly elected Sheriff John M. Larn. Larn had arrived as a cowboy several years earlier, had become a prosperous rancher, and had married into one of the leading pioneer families.

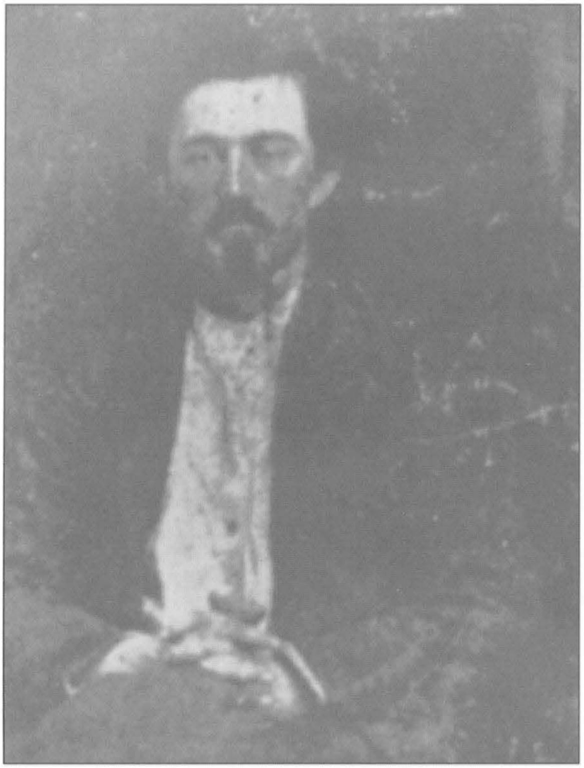


Considering its lawless reputation as a center for soldiers, cowboys, and buffalo hunters, it is remarkable that almost no photographs of Fort Griffin, Texas, are known to exist. This drawing shows the military post on Government Hill (left), and the town on the bottomland between the hill and the Clear Fork of the Brazos River. (From the Collection of the Robert E. Nail Archives, Old Jail Art Center, Albany, Texas)

Beyond that, he was a complete enigma. He claimed to have been born in Alabama, and that as a boy had sold newspapers on trains. In his teens he became a cowboy. Despite that, he appears to have had above average education, polish, and a variety of talents, including architecture (his home, which he designed himself, remains almost a masterpiece of the era, for a backcountry ranching region). When he settled for good in the Clear Fork Country, he already had several killings to his credit, most of which were cold-blooded and groundless. Nevertheless, his genteel manners, marital connections, and forceful, charismatic personality initially caused the community to overlook his character flaws.

Within two days of Larn's taking office as sheriff on April 18, 1876, the Shackelford County Vigilance Committee swung into action, with the lynching of a horse thief named Houston Fraught. Then, on May 12, *The Frontier Echo,* which served the region from Jacksboro some 75 miles to the east, carried the following:

> *Court Proceedings on the*
> *CLEAR FORK!*
> *Judge Lynch Presiding*
> – – – – – – – –
> *Special to the Echo*
> *FORT GRIFFIN, TEXAS*
> May 7th, 1876
> *The notorious character known as "Reddy" of horse thief fame, was captured on the 2nd inst. At this place for horse stealing in Eastland county, and put in the military guardhouse for safe keeping.*
>
> *On Friday afternoon he was turned over to parties to be conveyed to Eastland county. Yesterday his body was found hanging to a tree three miles from here.*
>
> *On 23 June, a notice was posted near one of Fort Griffin's more popular saloons ordering prostitutes and their procurers to leave town immediately "or you are doomed – VIGILANCE."*



The man in this dark photo, the original of which has been lost, is thought to be John M. Larn, sheriff, vigilante leader, and murderer. Larn's pure evil caused even his wife's family to join the vigilance group that killed him. (From the Collection of Robert E. Nail, Archives of the Old Jail Art Center, Albany, Texas)

None of this could have happened without Larn's consent, and indeed, it was generally known that he was a leader of the Shackelford County Vigilance Committee. Nevertheless, as Edgar Rye, who served as justice of the peace in the permanent county seat at Albany, 14 miles to the south, grudgingly admitted, "During the first six months of his term Laren [sic] did more to quell lawlessness than any man who served the people as sheriff, before or since his time."

Yet as time passed, Larn's dark side, that the community had chosen to ignore, began to emerge. He was, in the words of Texas historian Rupert N. Richardson, "morally dead." His life and career were built on murder and deception. Much of his ranching prosperity came from livestock stolen from his less powerful neighbors. People who challenged him either were found dead, or disappeared entirely. Even his closest associates began to fear him. When one of his cattle-stealing acquaintances, Billy Bland, was killed by a deputy in a saloon fight in January 1877, Larn resigned as sheriff in protest, and turned his full attention to ranching, cattle-stealing, and murder, often taking cattle in plain view of their lawful owners. He and his partner, John Selman, had about 16 men under them and began a concerted effort to run the smaller ranchers out of the country.

The Texas Rangers began investigating, and the other members of the vigilance committee became nervous. If Larn were arrested and talked, the law would come down on some of the leading families. They pressured the state to stop the investigation, and the number of Rangers assigned to the Clear Fork Country was reduced. Nevertheless, the investigation continued. Larn, meanwhile, was completely out of control. For their own safety, the community leaders began looking for ways to permanently remove him.

The end came in June 1878, when Larn, Selman, and their associates ambushed a small landowner named A.J. Lancaster. Lancaster escaped, went to Rye's court in Albany and charged them with attempted murder. Learning of the warrant, Selman attempted to warn Larn, but was too late. When he arrived on a knoll overlooking Larn's home at daylight 23 June, he saw Larn being hoisted up on a horse by members of the posse sent to arrest him. Unable to do more, Selman spurred his horse away, eventually escaping to the Trans-Pecos region of far western Texas.

Back at the ranch, Larn informed the members of the posse that if he got away, they were all dead men. His captors knew it was no idle threat; the remark sealed his fate. He was taken to Albany, where Rye denied bail and ordered him jailed. Rye later learned that if he had released Larn, he, too, would have been killed.

Shortly before 2am, a mob of about 35 masked and armed men surrounded the jail. Between ten and 15, including some of Larn's in-laws, went inside and opened fire. Larn died with nine bullets in him.

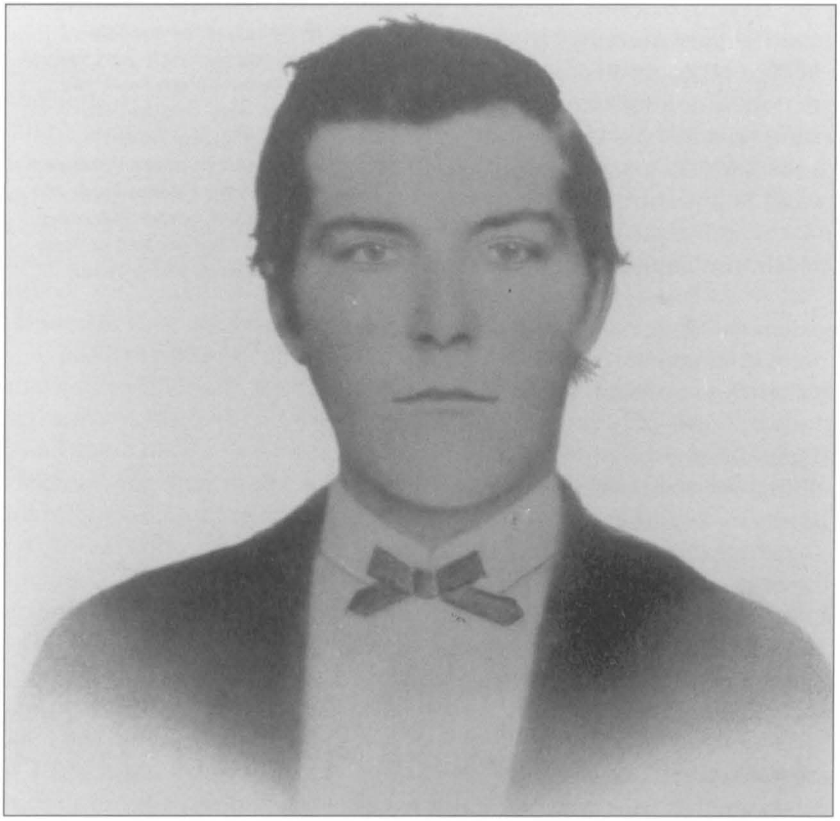
With his death, the Shackelford County Feud, as it later was known, came to an end. The Shackelford County Vigilance Committee lingered on for a while, but eventually, conventional law enforcement took hold, and vigilance justice faded away, just as it would throughout the West.

BLOOD FEUDS AND RANGE WARS

While much of the West suffered through range wars of some sort, the feud was an almost exclusively Texan phenomenon. Among the prominent feuds are the Taylor-Sutton Feud, which gave rise to John Wesley Hardin, the Horrell-Higgins Feud, the Mason County War, and the previously mentioned Shackelford County Feud.

The Texas Rangers

The blood feud was the product of the Civil War, because it was almost entirely unknown in Texas prior to that time. As a former Confederate state, Texas was placed under Reconstruction Rule, and Unionists and Republicans took office. Much to the dismay of the military authorities responsible for enforcing Reconstruction, the Texas Republicans and Unionists differed little from the Democrats and Secessionists. The only fundamental disagreement was whether the state could leave the Union; otherwise their philosophy was the same, and they were slow to implement the changes mandated by the federal government after the war. Having final authority, however, the state's military rulers deposed



Killer John Wesley Hardin gained his reputation in Texas's vicious Taylor–Sutton Feud in the 1870s. After serving 15 years in prison, Hardin was admitted to the bar and practiced law in El Paso. He was gunned down by Constable John Selman in 1895. (Western History Collections, University of Oklahoma Library)

governors in an effort to find one radical enough to suit the powers in Washington. Thus Texas had three chief executives in the four-year period between 1866 and 1870, when the military found a satisfactory candidate in the Radical Republican Edmund J. Davis.

Davis created a state police force, which was detested as an instrument of Radical Reconstruction (the era of postbellum reconstruction in the South) and disbanded after he left office in early 1874. Nevertheless, the state police had demonstrated the need for a permanent statewide constabulary, and on April 10, 1874, the legislature created the Frontier Battalion, Texas Rangers. During the preceding 50 years of their existence, the Rangers had served as a more or less volunteer militia for frontier defense. Law enforcement was the responsibility of the local authorities. Now, for the first time, the Rangers were a full-time, professional service, with civil police powers throughout the state. The Frontier Battalion was followed by a second law-enforcement force, officially designated as Washington County Volunteer Militia Company A, but in reality functioning as rangers. The men of the Washington County unit called themselves McNelly's Rangers, after their commander, the frail, tubercular, but resolute Capt. Leander H. McNelly.

Physically weak, but morally unyielding, Capt. Leander H. McNelly headed a militia company formed in part to quell the Taylor–Sutton Feud. His efforts were only partially successful, and he was reassigned to police the region between the Nueces River and the Mexican border. (Courtesy the Texas Ranger Hall of Fame and Museum, Waco, Texas)

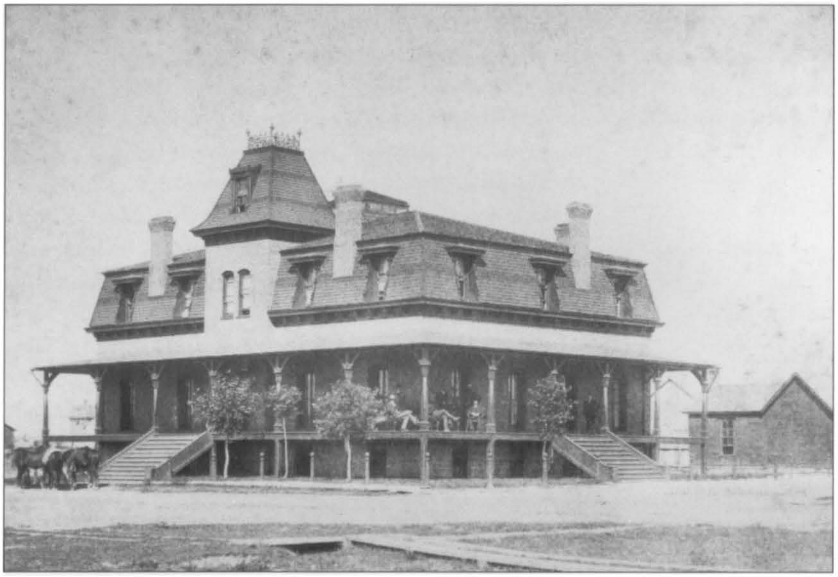
The first duty of McNelly's Rangers was to quell the Taylor-Sutton Feud, which had been raging in DeWitt County, southeast of San Antonio, for about seven years. Its origins are obscure, but it rose out of the Civil War as a power struggle between the anti-Reconstruction Taylor supporters and the pro-Reconstruction Sutton followers. The feud took a new turn in 1873, when gunslinger and cold-blooded killer John Wesley Hardin allied himself with the Taylors. A year later, on March 11, 1874, he arranged the murder of Bill Sutton, one of the leaders of that faction. The Sutton murder and the subsequent reprisals prompted District Judge H. Clay Pleasants to call for Rangers. The state responded by sending McNelly's men.

The grand jury was in session when the Rangers arrived, but McNelly knew the Taylors and Suttons were not impressed. Sutton chief Joe Tumlinson never appeared in court without armed support, and neither did the Taylors. Each side could raise scores of men ready for a fight. Witnesses disappeared, and when members of the two factions appeared in court to answer charges, remaining witnesses suffered memory loss.

By late 1874, however, the feud was beginning to subside, simply because so many of the original participants and leaders were dead. Those still alive had exhausted themselves or were in hiding. When Joe Tumlinson died of natural causes late in the year, DeWitt County grew quiet, and McNelly's men were reassigned to the Mexican border. The Taylors and Suttons remained calm – at least for the time being.

The Johnson County War

Unlike the feud, range wars were widespread, and started for various reasons. It might be a conflict over water, or over grazing land, or the



Wealthy ranch owners and managers took their ease in the luxurious Cheyenne Club. The Johnson County War, to suppress discontented cowboys, was planned here. (Wyoming State Archives, Department of State Parks and Cultural Resources)

introduction of sheep into cattle country, or over who would control the local political and economic system. The advent of barbed wire brought an end to open-range ranching, and led to absentee investing in the lucrative cattle business. Enclosed pastures brought unemployment to many cowboys, and the cavalier attitude of Eastern and foreign ranch owners often led to trouble. In Oldham County, Texas, the proud cowboys resented being treated like servants and went on strike, bringing the annual roundup to a standstill. In Johnson County, Wyoming, the small landowners decided to stand up and fight against the Gilded Age cattle barons who were trying to push them out. In some areas, the big ranchers hired their own security forces.

The wealthy cattlemen of Wyoming planned the Johnson County War with military precision, yet from the start it was a fiasco. The gentlemen ranch owners, who played billiards and sipped claret in the Cheyenne Club, in the state's capital, and whose time in the saddle – if any – was spent fox hunting, were simply too obvious in their intentions. Although the stated purpose was to rid their distant ranches of cattle thieves, it was no secret they intended to clear out competition from the small ranchers as well.

A particularly sore point was the proud cowboys who worked the ranches. Traditionally, they had been independent contractors, working for ranchers who themselves had started as cowboys. The cowboys owned their horses and equipment, taking at least part of their pay in stock, and running their own cattle on their employers' ranges, slowly building up enough to start spreads of their own. When the Easterners and British consortiums began buying up and consolidating the small ranches, however, corporate management was applied. The cowboy become nothing more than an employee, not even owning his horse. He was viewed no differently from an Eastern factory worker or, in the case of the British managers, a Ceylon tea picker. This is what had prompted the Texas cowboys to strike in 1883, and the Wyoming cowboys followed suit. The response in Wyoming was similar to Texas; the stockmen drew up a black list, refusing to hire any cowboy who owned cattle, on the grounds that he must have stolen them.

Cattle theft was blamed for all losses in livestock, even though the majority was lost for other reasons. Ranges were overstocked, which led to starvation. Prairie fires and grasshopper plagues destroyed the grazing, and cattle died in the fires. Drought and sudden snowstorms also took their toll. Whatever reason, the Eastern and British investors were told that inventory was down because of cattle theft. This became an excuse to justify any action.

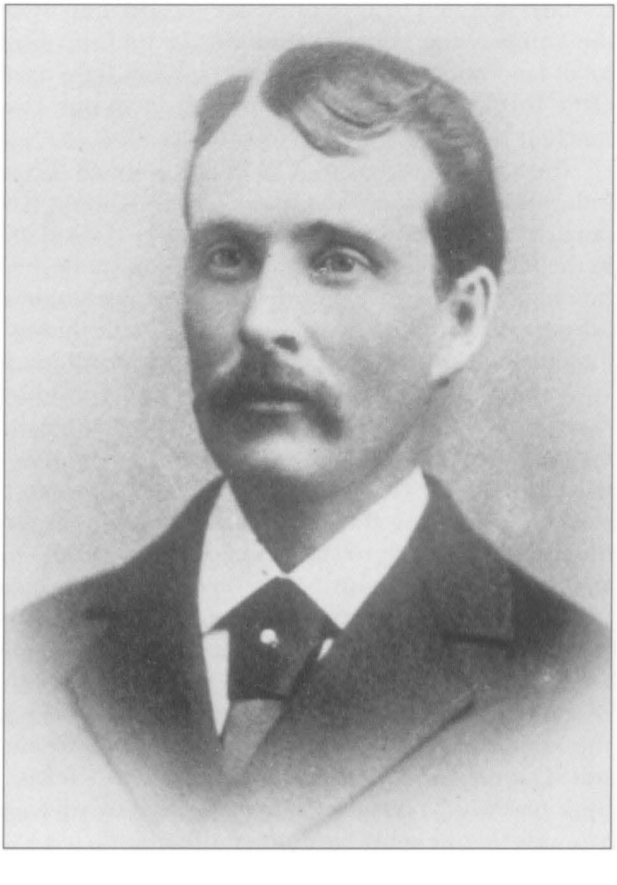
To deter "cattle theft," the Wyoming Stock Growers Association (W.S.G.A.), which represented the gentlemen of New York, Aberdeen, and the Cheyenne Club, convinced the state legislature to pass a maverick law, making any unbranded cattle the property of the W.S.G.A. The group then sold these cattle to the highest bidder. Purportedly aimed at deterring cattle theft, it actually kept the small ranchers from reclaiming their own unbranded stock. The proceeds of the sales then were used to employ cattle detectives, who were little more than bounty hunters and vigilantes.

In 1889, Frank Canton, a stock detective for the W.S.G.A., built a case against O.H. (Jack) Flagg and five associates on the grounds that Flagg's prospering small operation was stocked with stolen cattle. Whether the men actually were cattle thieves, or whether Flagg simply was a shrewd businessman and stock raiser, is debatable. The court of Johnson County opted for the latter, and in the fall of 1889, the cases were dropped.

Even before the cases were dropped, the court's consideration of Flagg and associates convinced the W.S.G.A. that more decisive action was needed. On July 20, 1889, a party led by wealthy stockman Albert Bothwell dragged Jim Averell and Ellen Watson from their cabins and lynched them as cattle thieves. Averell's only offense appears to have been that he had homesteaded grazing land that Bothwell wanted, and had established a store, saloon, and post office at his place, all of which threatened the large rancher's economic control of the area. Watson was no more than a Kansas prostitute, who had built up a spread, perhaps paying for her stock in ways other than cash. The friendly press in Cheyenne helped the large stockmen justify the lynching by demonizing the pair, particularly Ellen Watson, who became "Cattle Kate," gun-toting queen of the stock thieves. The effort was lost on the small ranchers, who blamed the lynching on the W.S.G.A.; northern Wyoming seethed with rage.

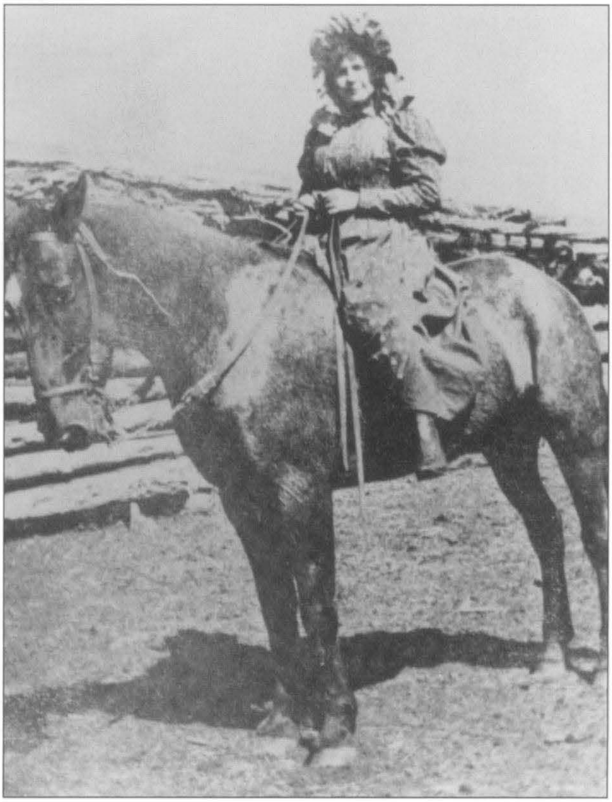
The rage turned to fury on December 1, 1891, when John A. Tisdale, a homesteader and friend of Jack Flagg, was ambushed and killed en route home from Buffalo, seat of Johnson County, with a wagon load of winter groceries, and Christmas gifts for his wife and children. A second homesteader, Ranger Jones, was found dead several days later. Blame immediately

James Averell was a storekeeper who made the mistake of homesteading land in Johnson County coveted by wealthy cattleman Albert Bothwell. In 1889, he and another homesteader, Ellen Watson, were dragged out of their cabins and hanged by Bothwell and his friends. The lynchings brought an unexpected outcry that ultimately led to a showdown between cattlemen and homesteaders known as the Johnson County War. (Wyoming State Archives, Department of State Parks and Cultural Resources)



fell on Frank Canton and the W.S.G.A. The small ranchers then formed a rival organization, the Northern Wyoming Farmers' and Stock Growers' Association, to challenge the W.S.G.A.'s state-sanctioned monopoly over roundups. The new organization announced it would hold its own roundups, and claim any unbranded cattle.

In the Cheyenne Club, the members of W.S.G.A. decided to recruit out-of-state gunfighters. Telegraph wires to Johnson County would be cut. Buffalo would be seized, and the sheriff, his deputies, and the county government would be murdered. Then, with the county isolated, occupied, and bereft of leadership, they would dispose of some 70 people on the W.S.G.A.'s "dead list." Tom Smith, a stock detective with roots in Texas, returned to that state, where he recruited 22 gunmen to rendezvous in Denver. The W.S.G.A. secured horses, wagons, tentage, bedding, weapons and ammunition, and supplies as though mounting a military campaign. Costs were defrayed by 100 members who put up $1,000 each. One of the leading cattlemen, a former army officer named Frank Wolcott, was put in charge of the expedition.



When the lynchings of Jim Averell and Ellen Watson brought an unexpected backlash, Bothwell attempted to demonize Ellen, planting stories in the *Police Gazette,* and elsewhere, that she was "Cattle Kate," a sort of queen of the rustlers. In reality, the worst that can be said of her is that she was a Kansas prostitute who exercised her right to homestead and run cattle on land sought by wealthy ranchers. She may have accepted cattle as payment for her services to lonely cowboys. (Wyoming State Archives, Department of State Parks and Cultural Resources)

On April 5, 1892, a special Pullman car pulled out of Denver with the Texans on board. At Cheyenne, it was connected to a special train chartered solely for the trip to the northern railhead at Casper. Nineteen members of the W.S.G.A. decided to go along. As the train headed north, Frank Canton wandered into the baggage car where Wolcott was directing a redistribution of supplies. Although Canton was chief detective for the association, Wolcott considered him unworthy company, and ordered him out. Fuming, Canton complained to Smith. Smith sided with Canton, and the Texans sided with Smith. Seeing that his position was untenable, Wolcott resigned, and Canton took charge of the entire expedition.

Before reaching Casper, the train stopped at a junction, where the stockmen sent a telegram to Buffalo to determine whether the lines had been cut. The lines were down. It was the first stage of the plan, and the last stage that went the way it was supposed to. After unloading at Casper and starting the 150 miles north to Buffalo, the wagons bogged down in the mud. In camp, the inexperienced stockmen picketed their horses to clumps of sage. The horses pulled the bushes up, wandered off, and it took hours to round them up. Then they ran into a snowstorm.

During a stopover, they were told a band of rustlers was at a ranch 15 miles away. Canton urged continuing on to Buffalo, but the stockmen decided to descend on the ranch instead. Arriving at daylight, they surrounded the ranch buildings. In fact, there were only two cowboys, Nate Champion and Nick Ray, both on the dead list. Ray was cut down as he came out of the house. Champion pulled his mortally wounded

The Johnson County War broke out in full fury in April 1892, when Major Wolcott led a mini-army of Texas gunmen and Eastern dandies that pinned down Nate Champion (second from left) and Nick Ray in a house at the TA Ranch. Ray died almost immediately, but Champion fought on until evening, when he, too, was killed. He wrote a minute-by-minute account of the siege, so that his friends in Johnson County would know exactly what happened. (Wyoming State Archives, Department of State Parks and Cultural Resources)

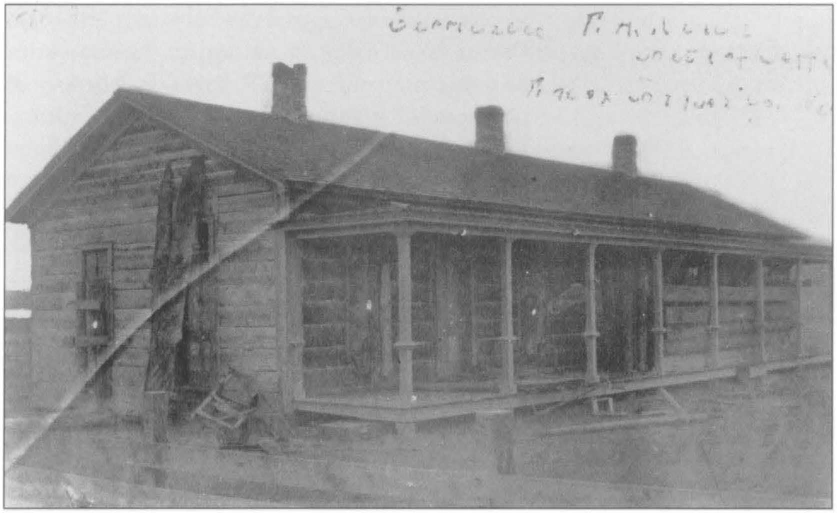
companion inside, and held off the cattlemen a full day, until that evening they set the house on fire. He was killed as he ran out.

The attack, however, had been witnessed by two passers by who rode into Buffalo and alerted the town. Sheriff W.E. Angus gathered an armed posse and rode out to meet the invaders, and couriers gathered up reinforcements throughout Johnson County. They met the stockmen and Texans near the TA Ranch, and drove them back to refuge in the ranch buildings. For 24 hours, Wolcott used his military experience to direct fortification, while the Johnson County people threw up a siege line and dug rifle pits. Shooting started about daylight on Monday, April 11, and continued into the next day.

On Tuesday, the telegraph line was finally repaired, and officials in Buffalo wired Governor Amos Barber in Cheyenne, requesting troops from Fort McKinney to help them put down a "rebellion." Barber, however, was in the pocket of the W.S.G.A., and waited until he heard from the cattlemen, who finally got a courier from the TA Ranch to the next town. With that confirmation, Barber wired President Benjamin Harrison, along with Wyoming's two senators. Troops finally arrived the next day, and the stockmen surrendered. After being confined at Fort McKinney, they were taken back to Cheyenne where they spent ten weeks interned at Fort D.A. Russell. Eventually all charges were dropped, and the Texans were sent off with a rousing party at the Cheyenne Club. The Johnson County War was over.

Billy the Kid and Pat Garrett

Perhaps the most famous of all conflicts was the Lincoln County War of New Mexico, that pitted society as a whole against a young tough named Henry McCarty, known variously as William H. Bonney, Jr., Henry

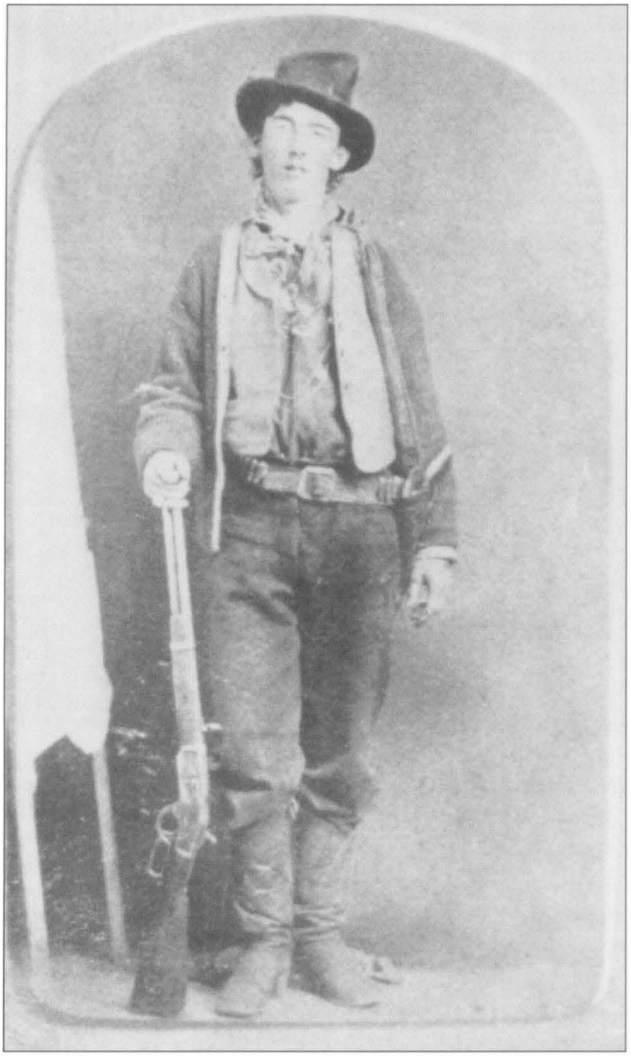


After the killings of Nick Ray and Nate Champion, a sheriff's posse went in pursuit of Wolcott, his wealthy friends, and their hired guns who retreated to the TA Ranch. Wolcott erected military-style defenses centered on the main house (shown here). After a three-day siege, troops from Fort McKinney were allowed to take charge of Wolcott and his men, but only on the condition that those involved in lynchings would be bound over to the civil authorities for trial. (Wyoming State Archives, Department of State Parks and Cultural Resources)

Antrim, Kid Antrim, the Kid, and, in the final months of his short life, Billy the Kid. McCarty's origins are vague. It is generally accepted that he was born in the Irish slums of either Manhattan or Brooklyn, probably in 1859. He, his widowed mother, Catherine, and brother Joe, are known to have lived in Wichita at least in 1870 and 1871, when they moved first to Denver, and then to New Mexico, in search of a healthier climate for her tuberculosis. In 1873, she married Bill Antrim, with whom she apparently had a prior relationship of several years. Eventually, the family settled in Silver City where Catherine died in 1874. Antrim, a wagon driver by trade, and prospector by avocation, was rarely home. A year later, young Henry had his first brush with the law, a dubious charge of stealing a load of clothes from a Chinese laundry. He escaped by squirming up the jail chimney, and fled to Arizona.

In 1877 Henry was a teamster in Camp Grant, when the contract blacksmith, Frank Cahill, called him a pimp. The boy responded by calling Cahill a son-of-a-bitch, with which the burly blacksmith picked him up and pitched him to the ground. Henry drew his gun and killed him. This was his first killing. Escaping from the post guardhouse that night, he fled back to New Mexico where, as Billy Bonney, he went to work for an English rancher and merchant named John Tunstall, in Lincoln County. In doing so, he walked into the middle of the Lincoln County War.

The feud was between Tunstall, rancher John Chisum, and attorney Alexander McSween on one side, and rival merchants J.J. Dolan and John Riley, in the county seat of Lincoln, on the other. Dolan and Riley controlled most of the patronage in Lincoln County, and through their influence with the territorial government in Santa Fe, held most government beef contracts for the army and the Indian reservations. Tunstall, Chisum, and McSween resented the monopoly, believing that, as large-scale cattlemen, they should be able to deal with the government directly. The smaller ranchers were divided between those who had been crowded out of public grazing land by Chisum, and therefore sided with Dolan and Riley, and those who had experienced bad dealings with Dolan and Riley's mercantile establishment, and sided with Tunstall, Chisum, and McSween.



The only authentic portrait of Billy the Kid is this tintype. The mirror image shows the pistol on his left side, giving rise to the legend that he was left-handed. In fact, Billy was right handed. (Arizona Historical Society)

The war blew open on February 18, 1878. Dolan and Riley obtained a court order attaching some of Tunstall's horses in payment of a supposed debt he owed them. When he refused to deliver, Sheriff William Brady, who served the two merchants, sent a posse under William Morton to collect. Tunstall rode out to order them off his land, and Morton shot him through the head.

The murder of his employer caused something to snap in Henry McCarty, or Billy as he now was known. Throughout his life, he had sought – and been denied – role models, and now Tunstall, his latest, was dead. A week later he was part of a posse of Tunstall adherents who ran down Morton and another member of his group, Frank Baker. After a running gunfight, Morton and Baker surrendered on a promise that they would be returned alive to Lincoln for trial. Before they arrived, however, Billy not only killed them, but also a member of the posse who apparently had tried to protect them. On March 31, he learned that Brady intended to arrest him for the murders, and took refuge with several friends in Tunstall's store. The following day, when Brady and two cohorts walked across the street to arrest him, the Kid and his friends gunned them down.

Dolan and Riley now turned their attention to McSween, and in July fighting broke out in the streets. McSween's men, Billy among them, retreated into his adobe brick home in Lincoln, and Dolan and Riley's new sheriff and supporters occupied the surrounding buildings. The siege lasted five days. On July 19, some of the Dolan and Riley men got close enough to pile wood around the walls of McSween's home and set it afire. By nightfall, the house no longer was tenable, and McSween's men made their break. Billy and two others managed to gain the river a few hundred yards away, but McSween was killed at the door.

McSween's death ended the Lincoln County War, and Billy became a rebel without a cause. He put together a band of cattle thieves, who raided both the ranches and the Indian reservations. With the law on his heels, he fled to Texas. Yet, by December, it appeared violence would break out in Lincoln County again. In the meantime, President Rutherford Hayes had appointed Lew Wallace (who was finishing his novel *Ben-Hur*) as territorial governor with orders to clean up corruption and end the violence. To avoid jury intimidation in Lincoln County, soldiers from Fort Stanton began making arrests. Wallace proclaimed a general amnesty for any outlaw who was not then under criminal indictment. Although Billy was under criminal indictment, he returned to New Mexico, met with Wallace, and struck a deal whereby he would receive amnesty in exchange for testimony. Billy testified, and Dolan was convicted of complicity in murder. Yet the district attorney refused to honor the governor's agreement, and ordered Billy held for the various outstanding indictments against him. Billy escaped and returned to stealing, operating around Fort Sumner, a town that had grown up around an abandoned military post.

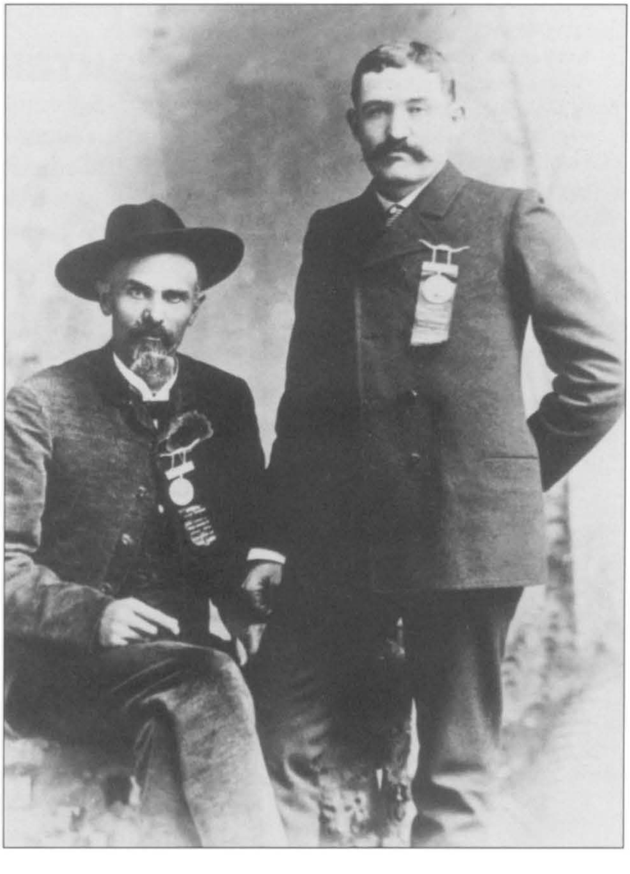
In 1880, Lincoln County voters elected Patrick F. Garrett as sheriff. One of his first assignments was to apprehend Billy. In December Garrett set an ambush. Billy managed to avoid the trap, but his friend, Tom O'Folliard, was killed. A few days later, however, Garrett cornered him at Stinking Springs. Another accomplice, Charles Bowdre, was killed, and Billy was taken to Mesilla where, in April 1881, he was convicted of the murder of Sheriff William Brady, and sentenced to hang. On April 28, he slipped his handcuffs over his unusually small hands, hit jail guard J.W. Bell with the chains, then shot him. Billy then got a shotgun from the office, and waited until a second guard, Robert Olinger, returned from lunch. "Hello, Bob," Billy greeted, then killed him with a blast from the shotgun. Then, before shocked onlookers could react, he grabbed a horse and rode out of town.

In late June, Garrett learned that Billy was hiding in Fort Sumner. He sent for John William Poe, a Texas stock detective, whom he had met a couple of months earlier. Garrett wanted him in New Mexico because he was unknown and would attract no attention. Garrett spread word that he was going to Arizona on business and, together with Poe and Deputy Thomas McKinney, started south to catch the main road at Roswell. Soon, however, they doubled back north to Fort Sumner.

On July 14, Poe went into town, but learned nothing. Garrett decided to investigate Pete Maxwell's ranch at the abandoned military post. Arriving after dark, they ran into John Jacobs, an old friend of Poe's from Texas, who was camping by the post. Accepting an offer of coffee from Jacobs, they planned their next move. This meeting is hardly worth mentioning except for a remarkable coincidence: Jacobs, the first sheriff of Shackelford County, had been succeeded by John Larn. Poe, a former buffalo hunter, had been guarding Larn the night he was killed. Garrett had hunted buffalo out of Fort Griffin, although he had not known Poe or Jacobs at the time.

Finishing their coffee, Garrett, Poe, and McKinney crept through an orchard toward the old parade ground. A group was sitting on the parade chatting in Spanish. Although Garrett could not recognize them in the dark, one was Billy the Kid. Billy got up and started toward one of the old officer's houses. They went back through the orchard, and circled around the edge of the post, to avoid the group on the parade ground. Reaching

John William Poe (standing, at a stock-raiser's convention) was involved in the killings of both John Larn in Albany, Texas, and Billy the Kid in Fort Stanton, New Mexico. (Western History Collections, University of Oklahoma Library)



Maxwell's house, Garrett left Poe and McKinney by the edge of the porch, then slipped inside and woke Maxwell.

Billy the Kid, meanwhile, was at Bob Campbell's house, just up the row. Getting hungry, he took a knife and went over to Maxwell's, to cut some meat from a side of beef hanging on the porch. Seated on the porch, Poe saw him, but did not recognize him. Rising to his feet, he caught his spur in a crack and stumbled.

"Quién es [Who is it]?" Billy demanded. "Quién es?"

"Oh, you needn't be afraid," Poe replied. "We're not going to hurt you."

Inside, Garrett was talking quietly with Maxwell, when they heard Billy's voice and froze. Billy backed into the dark room and called out, "Pete, who are those two fellows out there on the porch?"

Garrett fired twice and Billy fell. Poe jumped into the doorway with pistol drawn, just as Garrett ran out shouting, "I killed the Kid! I killed the Kid!"

Then Maxwell dashed out and Poe leveled his pistol. "Don't shoot!" Garrett yelled. "That's Maxwell."

Poe collected his thoughts and said, "Pat, you must have killed the wrong man. The Kid would never come here. Not to Maxwell's."

Maxwell held a candle to the window while the others went in and confirmed it was Billy the Kid. "He won't bother this section any longer," Garrett remarked.

Billy was buried the next day in the old post cemetery, supposedly between his friends Charles Bowdre and Tom O'Folliard. At least the three share a common headstone surrounded by an iron fence today.

GUNFIGHTERS, OUTLAWS, AND BADMEN

The Western tough did not fit into a single category. Gunfighters, outlaws, and "badmen" were three distinct types. Sometimes, but not always, a man would drift across the line from one to the other. As noted earlier, being an outlaw did not necessarily mean a person was a badman, although a badman invariably was outside the law. The gunfighter might be on one side of the law or the other, and occasionally on both.

The gunfighter made his living by his proficiency with a firearm, and many a frontier lawman was a gunfighter because his reputation kept things in line. Some of the leading gunfighters, such as Wild Bill Hickok, or the Earp brothers, generally stayed within the law, although occasionally they might stray across the line toward lawlessness. The Ben Thompsons of the world were essentially badmen, but from time to time, they would don a badge and acquire an air of respectability.

An outlaw might or might not turn into a badman. It largely depended upon the individuals. The James and Younger brothers were among those who crossed the line. It took years of pursuit and a trial (in which he was acquitted) to mellow Frank James, and a long prison term to tame Cole Younger. There were, however, outlaws who never sought their status, and would try to find a jurisdiction where they were not known, and where they could live under assumed names as law-abiding citizens. Such was the case of a Texas Ranger named Bell who, in reality was Kit Dalton, outlawed by federal authorities because of his partisan activities during the war. For a while, he rode with Frank and Jesse James, but eventually tired of outlaw life, moved to Texas and, as Bell, served on the side of the law.

It was rare for a bona fide badman to turn over a new leaf, but occasionally it happened. On September 29, 1927, citizens of Oklahoma gave a state funeral to one of their most respected citizens, Brig. Gen. Frank M. Canton, commander of the Oklahoma National Guard, the same Frank Canton who, four decades earlier, had figured prominently in Wyoming's Johnson County War. One newspaper eulogized him as a "conscientious champion of law and order." What very few people knew was that Frank Canton, soldier and lawman, was a Texas badman named Joe Horner, an armed robber and accused cold-blooded murderer.

Frank Canton was an outlaw turned respectable pillar of the community. Born Josiah Horner, he was wanted in Texas for a long list of crimes, including murder. He disappeared in 1874, re-emerging in Wyoming under his new name. He spent the rest of his life on the right side of the law, including service as deputy U.S. marshal in Oklahoma and Alaska. Canton later returned to Texas to take responsibility for his youthful crimes, and received official forgiveness from the state. At the time of his death, he was brigadier general and commander of the Oklahoma National Guard. In his later years, friends urged him to resume his identity as Joe Horner, but he refused, preferring to be remembered as Frank Canton, upholder of the law. (Wyoming State Archives, Department of State Parks and Cultural Resources)

Josiah Horner was born in Indiana in 1849, and served as an orderly in the Union Army during the closing days of the Civil War. After the war, he drifted, eventually settling as a cowboy near Jacksboro, Texas, about 60 miles west of Fort Worth. Jacksboro was a tough town. "Drunken men used to shoot up the town about every night and sometimes during the day," Indian scout and lawman Henry Strong later recalled. Horner fitted in well. During the early 1870s, Indians often stole stock from the surrounding ranches, and in retaliation for the loss of some of his horses, Horner began stealing Indian stock from the Kiowa-Comanche Reservation in Oklahoma. Although generally winked at by the whites, stealing Indian ponies was a criminal offense, and as Horner/Canton's biographer, Robert K. DeArment, pointed out, there was only the slightest jump between stealing Indian stock and white stock. Horner made the jump, and by 1874, he and his partner, Bill Cotnam, headed a band of toughs that locals called the Horner-Cotnam Gang. By the end of that year, he was charged with assault and two counts of cattle theft.

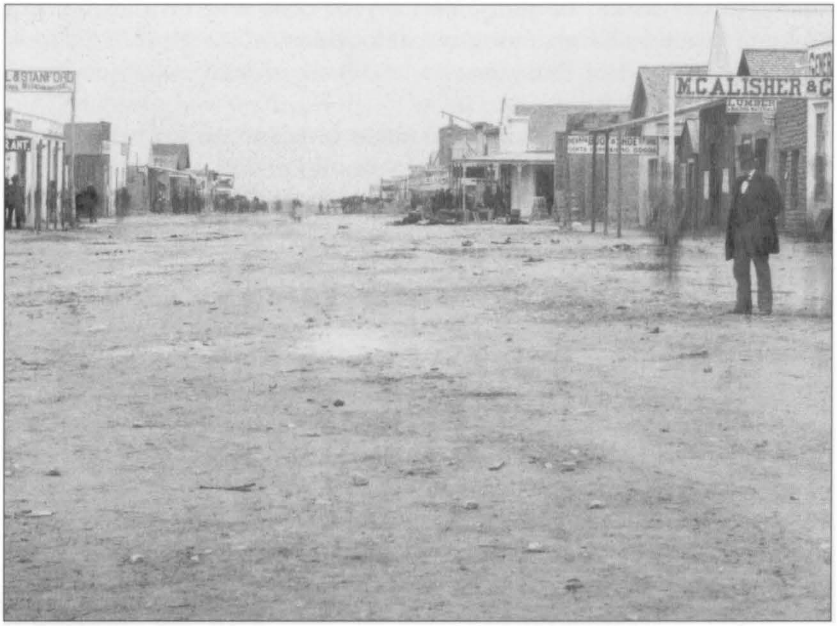
In September 1876, Horner was jailed in Jacksboro for two charges of assault and four of cattle theft. On September 13, he escaped, and embarked on a bona fide career of crime. In December 1876, he and two companions robbed the bank in Comanche, Texas, but were spotted and identified by Henry Strong, who had known them in Jacksboro. Accompanied by deputies, Strong trailed Horner to San Antonio, where they arrested him. He was sentenced to ten years in prison, but escaped again before he could be transferred. After even more criminal activity, he was finally run down to Uvalde, about 90 miles due west of San Antonio, where he received another ten-year sentence for robbery, to run concurrently with the first. In May 1877, he entered the state penitentiary at Huntsville, where he was assigned to a chain gang.

It is an interesting quirk of his personality that, for all his crimes, Horner basically respected the power of the law. In prison, he determined that if he were ever free again, he would uphold it instead of opposing it. On August 4, 1879, he escaped from the chain gang and disappeared forever. In his place emerged Frank M. Canton, lawman, who would spend the last 48 years of his life atoning for the sins of Josiah Horner.

Tombstone

The blurred line between law and lawlessness caused the most famous – and controversial – gunfight in American history. Strictly speaking, it occurred on Block 17 of Fremont Street, Tombstone, Arizona. But because of a stock pen that fronted just up the street, it has entered history as the O.K. Corral fight. On the one side was the Earp faction consisting of Virgil Earp, who represented the legal authority of the town, with brothers Morgan and Wyatt, and Wyatt's friend Dr. John H. Holliday, a tubercular former dentist turned professional gambler, who had no legal standing other than citizen. On the other was the Clanton faction, which included, among others, Joseph Isaac "Ike" Clanton, his brother William "Billy" Clanton, brothers Tom and Frank McLaury, and the law as represented by Cochise County Sheriff Johnny Behan. Only Billy Clanton and the McLaury brothers represented the Clantons in the fight, and all three died.

The Earps, Wyatt, Virgil, and a third brother, James, arrived in Tombstone in December 1879. Virgil, who had some background in law enforcement, was made city marshal, and Wyatt became his deputy. Wyatt now embarked on a scheme that previously had served him well in Dodge City, Kansas. He bought a gambling concession in Tombstone's posh Oriental Saloon where he would get a percentage of house winnings, and where his commission as a peace officer gave him legal authority over potentially unruly losers. Jimmy Earp, meanwhile, tended to the saloon business; his arm crippled by a Civil War wound, he could not have qualified as a gunfighter, as did his brothers. Nevertheless, Wyatt and Virgil were not alone. They were soon joined by their brother Morgan, who was equally handy with a gun, and Doc Holliday, whom Wyatt had befriended in Fort Griffin, Texas, and with



Allen Street in Tombstone shows an air of rustic decorum that disappeared as soon as the sun went down. Sandwiched among the respectable businesses were dozens of saloons that turned the street into a Bedlam of brawls and shootings. The "ghost" images flanking the well-dressed gentleman on the right are two men who were moving too quickly to be recorded by the photography of the time. (Arizona Historical Society, Tucscon, AHS 14835)

whom he associated in Dodge City. Holliday was a mediocre gunfighter, but the fact that he was dying and had nothing to lose made him the most dangerous of all.

Newcomers, the Earps meant to be powerbrokers in a town made of newcomers, and this earned them the enmity of the cowboys and ranchers of the surrounding countryside, many of whom were second generation. Among the most powerful were Newton Haynes "Old Man" Clanton, and his sons, Ike, Billy, and Phineas, together with their allies, the McLaurys. They sold beef, much of it stolen, to the citizens of Tombstone, and their penchant for livestock theft brought them into conflict with the Earps. The Clantons had yet another ally, Sheriff Johnny Behan, who needed the support of the county's large cowboy faction to stay in office

The trouble began when Virgil, who also served as deputy U.S. marshal, traced six stolen government mules to the McLaury ranch. Before they could be recovered, however, the McLaurys managed to dispose of the mules, thereby removing the evidence. Behan thoroughly resented Virgil, whose dual role as deputy U.S. marshal and city marshal gave him supreme authority both within the Tombstone city limits, and in Behan's jurisdiction of Cochise County as well. But the sheriff's real hatred was reserved for Wyatt Earp who had seduced (and would eventually marry) Behan's paramour, Josephine Marcus.

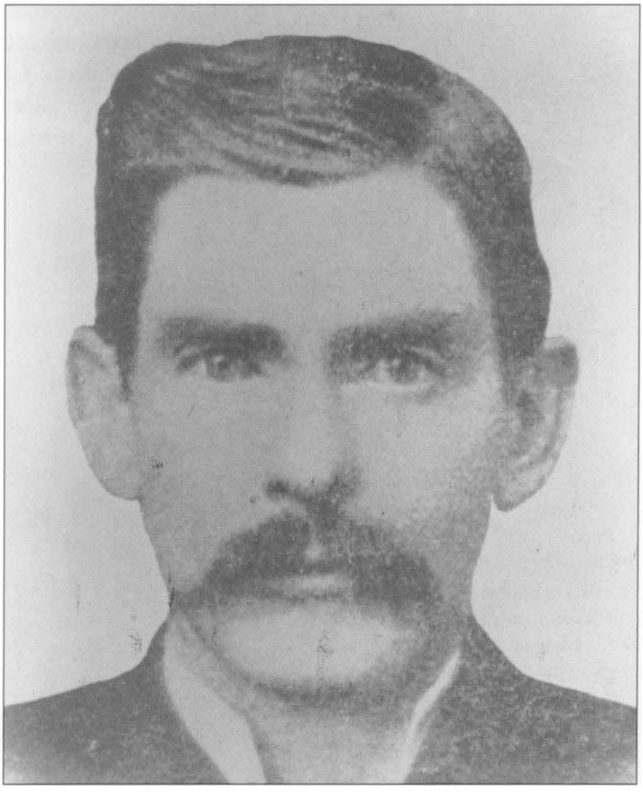
In July 1881, Behan arrested Doc Holliday for killing a Wells Fargo stage driver during a holdup attempt. The charge was dismissed for lack of evidence, but rumors spread that the Earps also were involved, particularly because Morgan now was employed by Wells Fargo.

All summer the situation deteriorated then, in September, Virgil arrested Deputy Sheriff Frank Stillwell, and Clanton adherent Pete Spence, for robbing a stage. Frank McLaury stormed into town, confronted Morgan, and issued a public challenge. A gunfight now was inevitable.

On October 25, Ike Clanton and Tom McLaury came into town, and Ike got gloriously drunk. About 1am, he went into the Alhambra saloon and ordered a meal. Wyatt was also having a late supper, and Morgan was tending bar. Doc Holliday, who blamed the Clantons for his legal problems, arrived and, enraged at the sight of Clanton, walked over to the table, and said, "You son-of-a-bitch cowboy, get out your gun and get to work."

"I don't have any gun," Ike replied. The argument grew heated, and Morgan grabbed Doc by the arm and took him out into the street. Ike, though, wasn't finished, and followed them out, where both Morgan and Doc turned on him. Unarmed, Ike wandered off, to continue drinking and find a card game. By 11.30am, he had armed himself

Doc Holliday, the dentist turned professional gambler. (Author's collection)



with a revolver and rifle, and remarked, "As soon as those damned Earps make their appearance on the street today, the ball will open."

Wyatt and Virgil found him in an alley. Coming up from behind, Wyatt grabbed the rifle, while Virgil hit him over the head with a revolver. They hauled him into court for carrying firearms within the city limits. As Ike sat wiping the blood from his head, Wyatt told him, "You've threatened my life two or three times. I want this thing stopped. You damn dirty cow thief, if you're anxious to fight, I'll meet you."

"I'll see you after I get through here," Ike retorted. "All I want is four feet of ground."

Wyatt walked out but ran into Tom McLaury. Heated words were exchanged, and Wyatt slapped McLaury with his left hand, and hit him across the head with a pistol in his right.

Now, another Clanton ally, Billy Claibourne, appeared, and when Ike paid his fine, took him to a doctor to get his head bandaged. Outside the doctor's office, Claibourne ran into Billy Clanton and Tom McLaury. Although younger than Ike, it always fell on Billy to get keep his troublesome brother in line. "I didn't come here to fight anyone, and no one wants to fight me," he snapped at Ike. "Get your horse and go home." The Clantons, McLaurys, and Billy Claibourne headed for the O.K. Corral for their horses.

It was too late. Virgil had determined to arrest and disarm the Clantons and the McLaurys. He called on Johnny Behan to help him, but Behan refused, saying the Earps' presence would lead to a fight. "They won't hurt me," he told Virgil. "I will go down alone and see if I can disarm them." With that, Behan started toward the O.K. Corral. Virgil, meanwhile, was joined by Morgan, Wyatt, and Doc Holliday, and together they started toward Fremont Street.

The cowboys, meanwhile, had left the corral and were standing in the vacant lot between Camillus S. Fly's Photographic Gallery and the Harwood house. Virgil placed his right hand on his gun, that was stuck in the waistband of his trousers. Seeing them approach, Behan ran up to Virgil and said, "For God's sake, don't go there or they will murder you."

"Johnny, I am going down to disarm them," Virgil replied.

"I have already disarmed them all," Behan lied.

With that, Virgil shoved his pistol around his stomach to his left side, and shifted Doc's cane to his right hand. The Earps moved into the vacant lot and confronted the cowboys. Billy Clanton and Frank McLaury had their hands on their pistols. Tom McLaury did not carry a pistol, but was grasping a Winchester rifle in the saddle scabbard of Frank's horse.

"Boys," Virgil said, "throw up your hands. I want your guns." Billy and Frank drew their guns but pulled back the hammers. "Hold on," Virgil said, "I don't want that." Ike put his arms across his chest to show he was unarmed.

Who fired the first shot will always be a mystery. Ike Clanton and Johnny Behan later testified it was the Earps, while Virgil testified the cowboys fired first. Wyatt believed he and Billy Clanton opened fire almost simultaneously. As soon as the shooting started, Ike grabbed Wyatt's arm.

"The fight has commenced," Wyatt snapped. "Go to fighting or get away." With that, he shoved him aside. Ike ran through Fly's front door, barely missing a load of buckshot from Doc Holliday's shotgun. Behan grabbed Billy Claiborne, and jerked him toward the back door.

Billy Clanton was aiming straight at Wyatt, but Wyatt concentrated on Frank McLaury, who was the better shot. Frank got off one shot before staggering over to the sidewalk with Wyatt's bullet in his stomach.

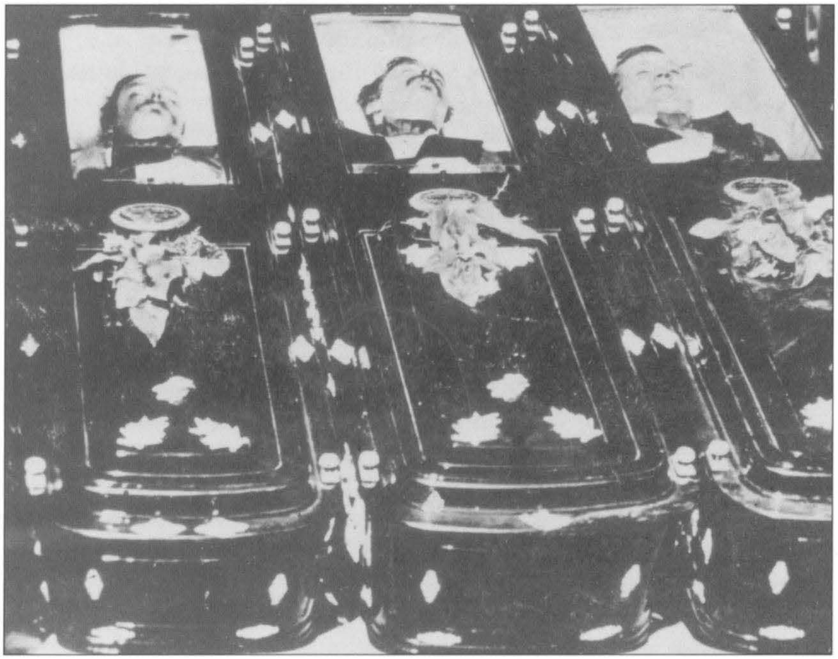
Billy was so close to Virgil Earp that his pistol was to Virgil's side rather than in front of him. Virgil later testified he heard two shots, one of them Billy's. With that he shifted the cane to his left hand, drew his own gun, and began to fire. "[I]t was general then," he said, "and everybody went to fighting."

Tom McLaury had managed to stay out of the fight, using Frank's horse for cover. Now the horse bolted and dashed out into the street, leaving him exposed. Unaware – or perhaps not caring – that he was unarmed, Doc Holliday gave him a shotgun blast in the right side. Tom managed to stagger down Fremont Street to the corner of Third, where he collapsed, mortally wounded.

Morgan Earp had wounded Billy Clanton, who fell over and began firing across his arm. A bullet struck Virgil in the calf, and his legs gave way. The badly wounded Frank grabbed for the Winchester as his horse ran past, but he missed. He turned to see Doc throw the shotgun aside and draw his own pistol. They fired simultaneously, Doc missed, but Frank's bullet grazed the dentist on the hip. At that moment, however, a bullet from Morgan Earp hit Frank just below the ear and finished him.

Now, the only cowboy left was the badly wounded Billy Clanton, who pushed himself upright, firing one last shot that hit Morgan in the shoulder. Morgan and Wyatt both fired, and Billy fell over again.

The fight was over. It had lasted 30 seconds. As a calm descended on Fremont Street, Camillus Fly came out of his house and walked over to the dying Billy, who was making one last feeble attempt to cock his revolver. Fly took the pistol from his hand.



Billy Clanton (left) and Tom and Frank McLaury are laid out in silver-rimmed coffins prior to one of Tombstone's biggest funerals. They were displayed in a hardware store that had an especially large window. (Arizona Historical Society, Tucson, AHS 17483)

Initially, Wyatt and Doc, the only two still able to stand, were jailed without bond on charges of murder. No immediate action was taken against Morgan and Virgil, both bedridden from their wounds, but Virgil was suspended as marshal. Eventually, all were cleared at an inquest in which Judge Wells Spicer noted that although the Earps' actions had virtually no force of law, the continuing threats against them by the Clanton faction were mitigating circumstances.

It wasn't finished. One night two months later, Virgil was crossing Fifth Street when a shotgun blast out of the darkness shattered his left arm. Then, in March 1882, Wyatt and Morgan were playing billiards when a shot smashed the glass in the door and ripped through Morgan's spine. He died two hours later. Witnesses saw Pete Spence, Frank Stillwell, and a man purported to be an Indian.

Virgil and his wife took Morgan's body on the train to California for burial. Wyatt and Doc accompanied them as far as Tucson, where they spotted Frank Stillwell. They detrained, and Stillwell was found dead the next morning. Back in Tombstone, they went hunting for Pete Spence. He eluded them, but they did kill the "Indian," who was actually a Mexican. Then, with Johnny Behan after them for Stillwell's murder, they left for Albuquerque, New Mexico, beyond Arizona jurisdiction.

Cochise County Sheriff Johnny Behan, shown here with his wife, sided with the cowboy faction during the Earp–Clanton feud and made a half-hearted attempt to head off the O.K. Corral fight. Prior to his marriage, he and Wyatt Earp quarrelled over the affections of actress Josephine Marcus, whom Wyatt later married. The lady in this photograph often has been identified as Behan's sister, but recent research indicates she was his wife. (Arizona Historical Society, Tucson, AHS 30223)

Wild Bill Hickok

Most of the famous lawmen and gunfighters at some point in their careers seem to have made an appearance in Kansas. Indeed, Wyatt Earp, Will Bill Hickok, and Bat Masterson got their start there. Located at the center of the buffalo range, the terminus of the railroads from the east, and the terminus of the cattle trails from Texas, it offered unlimited opportunities for a man looking to earn a living with a gun.

James Butler Hickok was born in Illinois in 1837 and left home for Kansas in 1855. At first he worked in odd jobs, then supported the "Free-Soil" political movement that was determined to get Kansas into the Union without slavery. About 1859, he began driving stagecoaches and wagons but, after being mauled by a bear in 1861, was reassigned to the Rock Creek Stage Station in Nebraska.

By this time, the Civil War was looming, and Kansas and Nebraska were boiling over with sectional hatreds. According to Hickok, these led to a feud with Dave McCanles, who he said headed a gang of border ruffians, as pro-Southern gunmen were known. In Hickok's version of events, McCanles and his men were determined to kill him for his Unionist leanings. When the shooting and knife-slashing were finished, however, he claimed he had killed McCanles and nine members of his gang, while he himself was hit by 11 pieces of buckshot and was cut in 13 places. As time passed, and dime novels embellished the fight, the number of McCanles men grew to 30. Even so, the reality of Hickok alone facing four men and killing three of them, was impressive enough to give him the nickname "Wild Bill."

Wild Bill Hickok's activities during the Civil War are shadowy, but he appears to have served the Union Army as a scout, as spies were known at that time. After the war, he turned to gambling in Springfield, Missouri. In July 1865 he got into an argument over a debt with another professional gambler, Dave Tutt, and went out into the street to settle it. Tutt's shot missed, and Hickok put a bullet through his heart. These exploits did much to enhance his reputation, as did his appearance. He was handsome, with long, chestnut-colored hair, and long, well-trimmed moustaches. He dressed in either velvet or form-fitting buckskins, with a red sash, and large, Mexican-style hat, and carried a pair of Colt's .36-caliber Navy Model revolvers with ivory grips in reversed holsters.

Henry Morton Stanley, who later gained fame and a knighthood for his African explorations, noted that Hickok "held himself straight, and had broad, compact shoulders, was large chested, with small waist, and well-formed muscular limbs. A fine, handsome face, free from blemish, a light moustache, a thin pointed nose, bluish-grey eyes, with a calm look, a magnificent forehead, hair parted from the center of the forehead, and hanging down behind the ears in wavy, silken curls.... He is more inclined to be sociable than otherwise...and is endowed with extraordinary power and agility...."

"I say, Mr. Hickok," Stanley greeted, "how many white men have you killed to your certain knowledge?"

Wild Bill deliberated for a moment, no doubt calculating a figure that would impress this pilgrim with pencil and pad. Finally he said, "I suppose I have killed considerably over a hundred."

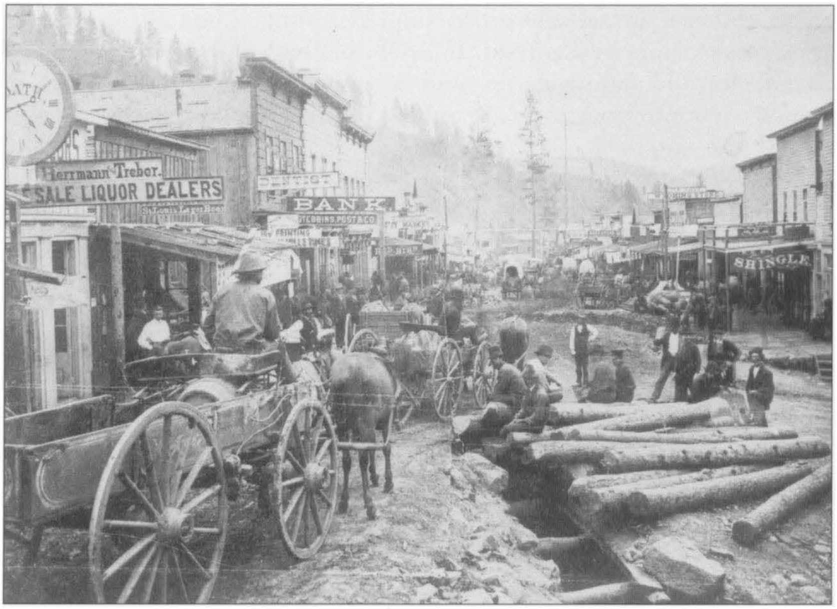
Impressed, Stanley asked, "What made you kill all those men? Did you kill them without cause or provocation?"

"No, by heaven! I never killed one man without good cause....I was 28 years old when I killed the first white man, and if ever a man deserved killing he did."

Indians, of course, did not count in the frontier reckoning of killings.

Leaving Springfield, Hickok served as deputy marshal at Fort Riley, Kansas, and then as an army scout. The year 1869 found him at Hays, Kansas, where he became city marshal. Within a year, however, he was involved in at least six saloon killings, four involving soldiers from nearby Fort Hays. Lt. Gen. Philip H. Sheridan ordered his arrest, and Wild Bill hastily departed.

After a brief, lackluster stint in a Wild West show, Hickok returned to Kansas, where he became town marshal of Abilene, a non-military town outside Sheridan's jurisdiction. On his first day in office, he shot two men, and had been on the job only briefly when three dangerous men, Phil Coe, Ben Thompson, and John Wesley Hardin came into town. Coe and Thompson came in together, and pooled their resources to open a gambling den known as the Bull's Head Saloon. Their quarrel with Hickok began when he ordered their sign painted over to cover more graphic portions of the symbolic bull's lower anatomy. From there it accelerated. The English-born Thompson had grown up in Austin,



The rough mining town of Deadwood, South Dakota, seen here about 1880 when it was four years old, attracted lawmen, badmen, and gunfighters, including Wild Bill Hickok, who was murdered during a poker game in one of Deadwood's saloons. (Nebraska State Historical Society)

Texas, and considered himself Southern. Hardin was rabidly anti-Union, and Thompson played on this, alleging that Hickok only killed Southerners. The town began betting on who would win a gunfight, Hardin or Hickok.

The confrontation came when Wild Bill tried to arrest Hardin for carrying firearms. Hardin later claimed to have handed over his guns, grip first, but at the last second, performed his famous "border roll," flipping them around so the muzzles pointed squarely at Hickok. Whatever the case, Hickok always admired an opponent with equal nerve, especially considering that Hardin was only days shy of his 18th birthday. They adjourned to the backroom of a saloon for drinks and emerged friends. Phil Coe was not so lucky. He and Hickok quarreled over a woman, and Wild Bill killed him.

It was obvious that Hickok was becoming gun crazy. Additionally, his eyesight was beginning to fail. When he accidentally killed one of his own deputies, who was running to his aid in a free-for-all gunfight, the city council had enough and dismissed him. After arranging some sort of understanding with the army, he returned to Fort Hays, serving briefly as town marshal. Then, after a season with Buffalo Bill Cody's Wild West Show, he went into a downward spiral, drifting from town to town as a gambler, until finally he was murdered in Deadwood, Dakota Territory.

Bat Masterson

Compared to Hickok, the Earps, and other contemporaries, Bat Masterson seems almost a reluctant gunfighter. He generally tried to avoid trouble, but his own audacity often brought it to him. Masterson was born on a farm in Quebec in 1853. Originally, he was named Bartholomew, from which "Bat" is derived, but for unknown reasons, he later changed his given name to William Barclay.

When Bat was about eight, his father moved the family to the United States, and he grew up on various family farms in New York, Illinois, and Kansas. In 1871, he and his older brother, Ed, went to Wichita where they worked as graders for the Atchison, Topeka and Santa Fe Railroad. By 1873, Bat had turned buffalo hunter, and was among the handful of hunters who held off an attack by over 700 Comanches and Kiowas at the hide depot of Adobe Walls, Texas, in 1874.

The Adobe Walls fight inaugurated the Red River War of 1874–75. After serving as a scout for the army during the war, Masterson moved to Mobeetie, in the Texas Panhandle. On January 24, 1876, however, he was in a tryst with a dance hall girl named Mollie Brennan after hours at the Lady Gay dancehall, when Sgt. Melvin A. King, from nearby Fort Elliott, burst in on them. Loaded with bad whisky, and with his own designs on Mollie, King began blazing away with his service revolver. A bullet went through Mollie and penetrated Bat's pelvis. Bat managed to shoot King through the heart before collapsing. Mollie died a short time later, and Bat was treated at the Fort Elliott hospital until he recovered.

He was still limping when he arrived in Dodge City that spring. He served briefly as a policeman, left town, and then returned in 1877 to open a saloon. In October of that year, after a brief stint as under-sheriff of Ford County, Bat was elected sheriff.

Dapper, Canadian-born Bat Masterson was more of a sportsman with a literary bent than a gunfighter. Nevertheless, in his brief career as a lawman, he helped clean up the Kansas cow towns. He eventually moved to New York, where he became a newspaper columnist, and died at his desk. (Kansas State Historical Society)

His record was impressive. He chased down train robbers and murderers. Pulling double-duty as deputy U.S. marshal, he went to Nebraska to bring back seven Cheyenne Indians to Dodge City for trial for depredations committed in Ford County during the 1877 Cheyenne outbreak. With his old friend Ben Thompson and nine others, he took time out to serve as a guard for the Santa Fe Railroad in a right-of-way feud with the Denver and Rio Grande. Then Denver and Rio Grande offered $20,000, and Thompson, Masterson and company changed sides. By the end of his term, however, voters were disillusioned about his heavy expenditures, and his close association with Dodge City Mayor James H. Kelley's political machine, and turned him out of office.

Although Bat continued to serve off and on as a lawman during the next couple of decades, he was less a gunfighter than a gambler and sportsman. He tried his hand at being a boxing promoter, and even attempted to publish a newspaper. In 1902, however, he turned his back on the West and moved to New York, where he would remain for the rest of his life.

Ben Thompson

In looking back over gunfighting lawmen, one name keeps cropping up, that of Yorkshire-born Ben Thompson. Only once did he actually serve as a lawman, and then only briefly. Most of the time he was on the opposite side, a part-time gunman, part-time gambler, and full-time reprobate. If Hickok was a dandy, Thompson was elegant. He could be seen on Austin's Congress Avenue decked out in frock coat, vest, cravat, silk topper, cane, and his ever-present revolver. Part of it was his love of a fight; he paraded down the street, hoping someone would remark on his attire. One day a cowboy knocked off his topper. Seeing the man was drunk, Thompson shrugged it off. But when he did it a second time, Thompson shot his ears off. The cowboy was carried into a nearby store, where someone remarked, "Don't you know who that was? Why, that was the notorious Ben Thompson whose hat you knocked off." Whether from pain, or fear, or both, the cowboy fainted.

Thompson loved to defy convention, knowing that no one would argue. Once he forced the tender of a white-only bar to serve all black customers. Another time, he loaded his gun with blanks, jumped up on the stage of an Austin variety house, and emptied it at the audience, to see how much of a stampede for the exits he could cause. Incidents like this gave him an undeserved reputation as a first-rate gunslinger. But while Thompson could be dangerous, he was not involved in nearly the number of shootings for which he has been credited, even if his good friend Bat Masterson rated him as the best.

Thompson was brought to Texas as a child, and grew up in Austin. His first scrape came when he was 18, and wounded a black youth in a quarrel. He was jailed, but the governor ordered him released. He fought for the Confederacy during the Civil War, then served as a mercenary with Imperialist forces in Mexico, managing to escape one step ahead of the victorious Mexican Republicans.

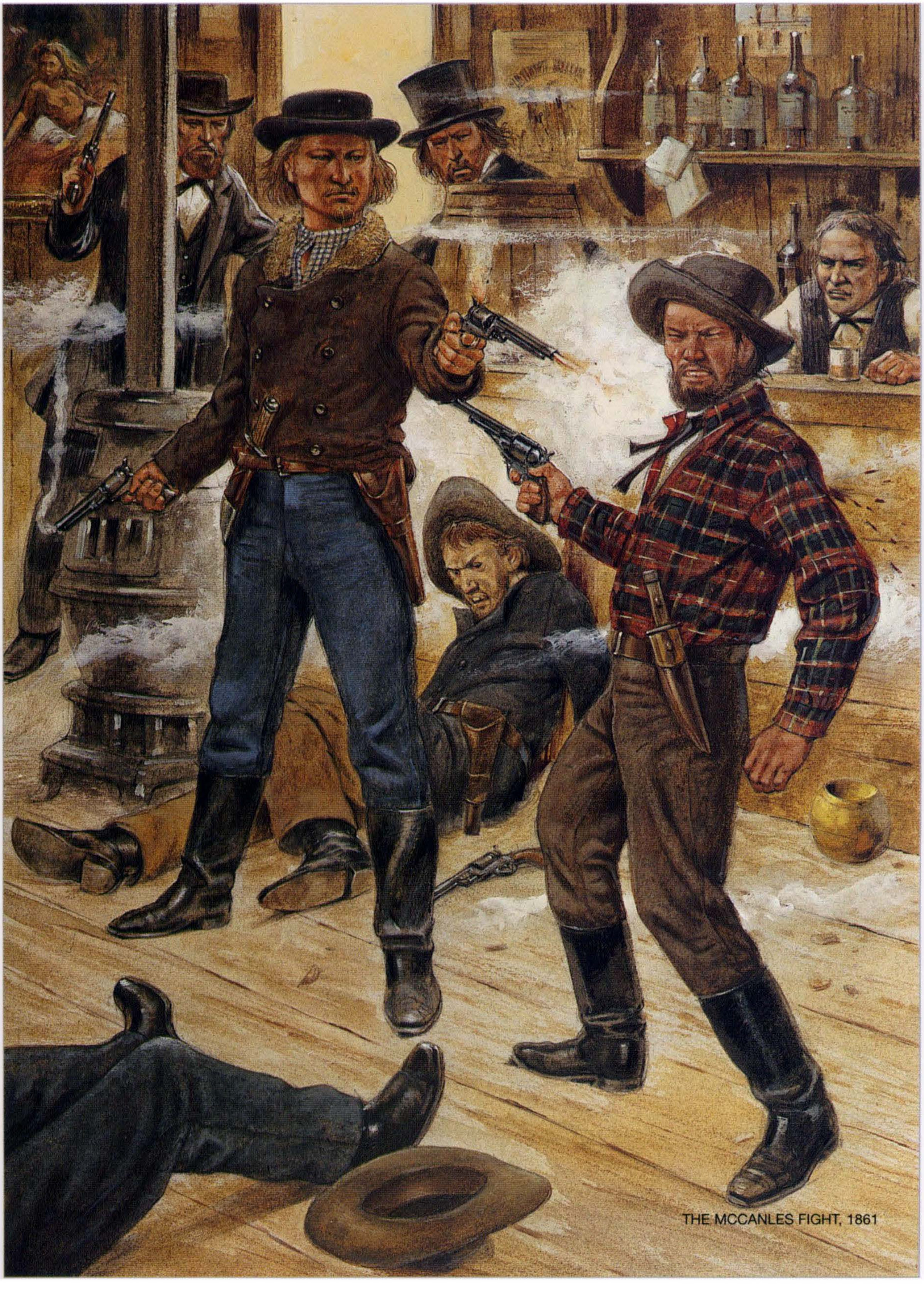
After spending most of the 1870s in Kansas and Colorado, Thompson returned to Austin where, in 1880, he was elected town marshal. He was a good and efficient lawman, but resigned in 1882 because of a gunfight in San Antonio, in which he killed gambler Jack Harris. Two years later, he and badman King Fisher, both drunk, were confronted in San Antonio's Vaudeville Variety Theatre by Harris's partners, Joseph C. Foster and William H. Simms. Words were exchanged, tempers flared, guns blazed, and when it was finished, Thompson and Fisher were dead.

The closing of the 1880s saw the gunfighter-lawman fade away. Men like Wyatt Earp, Bat Masterson, and Wild Bill Hickok, who upheld the law by firepower, were replaced by professional lawmen like Chris Madsen, William Tilghman, and Heck Thomas, who enforced the law by skill and dedication to duty.

TOWNS THAT ATE MEN FOR BREAKFAST

Despite the Hollywood image, Western towns provided a broad cross-section of American life of the era. Visiting Deadwood, Dakota Territory, in September 1876, only four months after its founding, Capt. John Gregory Bourke of the Third Cavalry commented in his diary, "We saw and encountered all classes of society, representatives of its good grades and bad. We were prepared for any developments of reckless misrule and defiance of order: but our expectations failed to be realized. We admitted tacitly that we were in a little community where Order had cast the first rays of its light into the darkness of Chaos and where if Vice, in its most hideous forms did exist, it was only by tolerance and not by encouragement."

(Continued on page 41)



THE MCCANLES FIGHT, 1861

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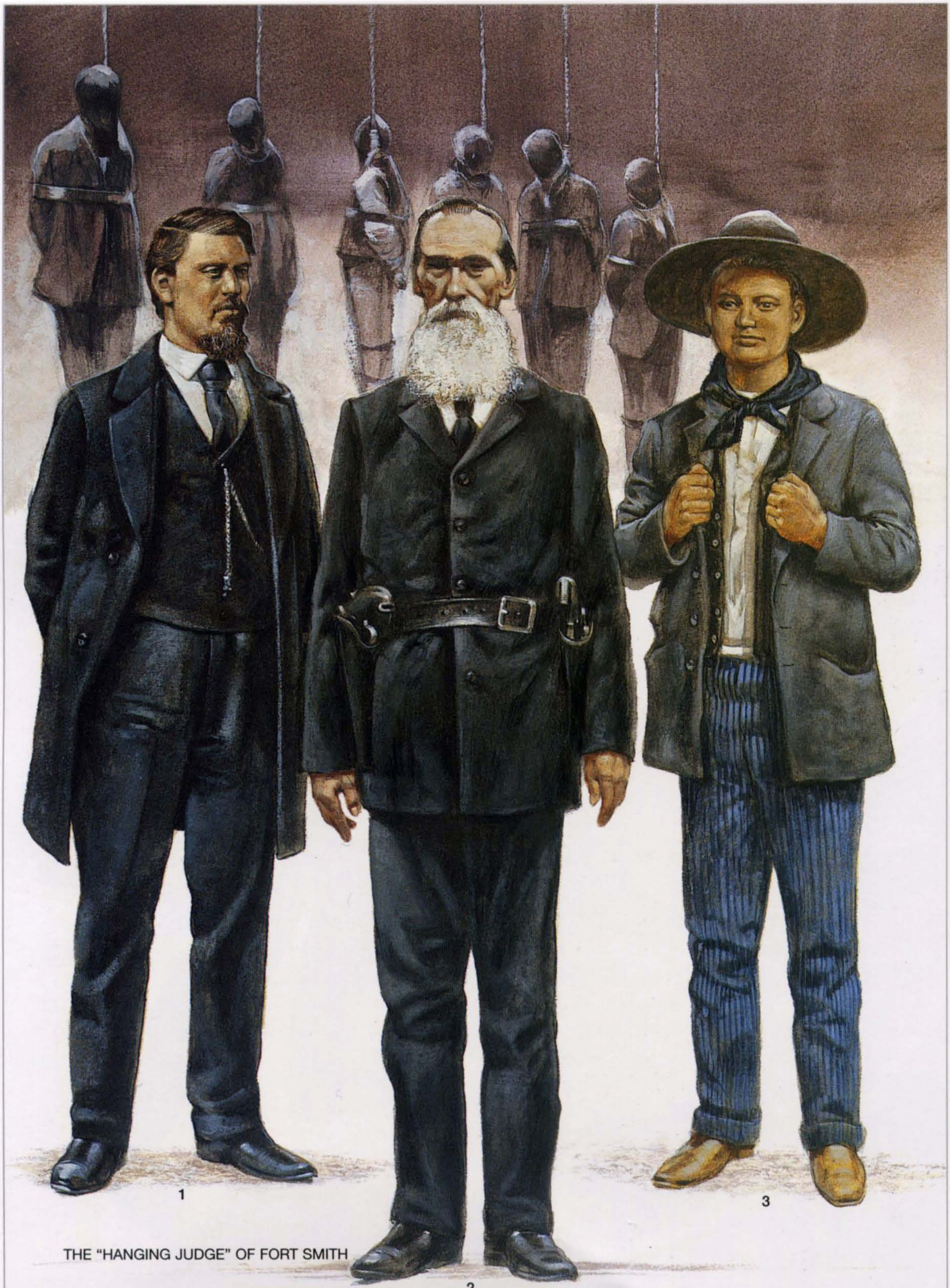
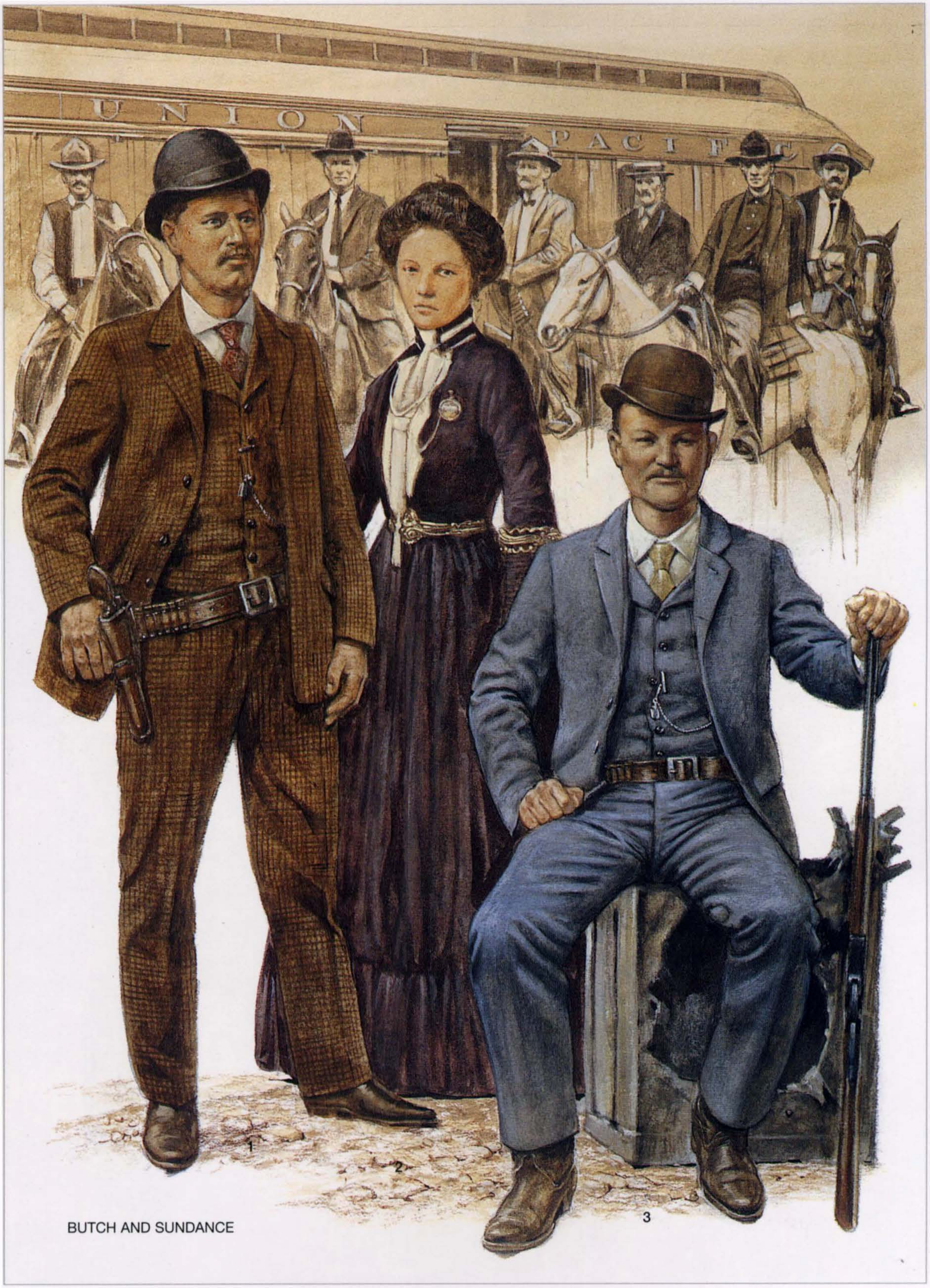


THE "HANGING JUDGE" OF FORT SMITH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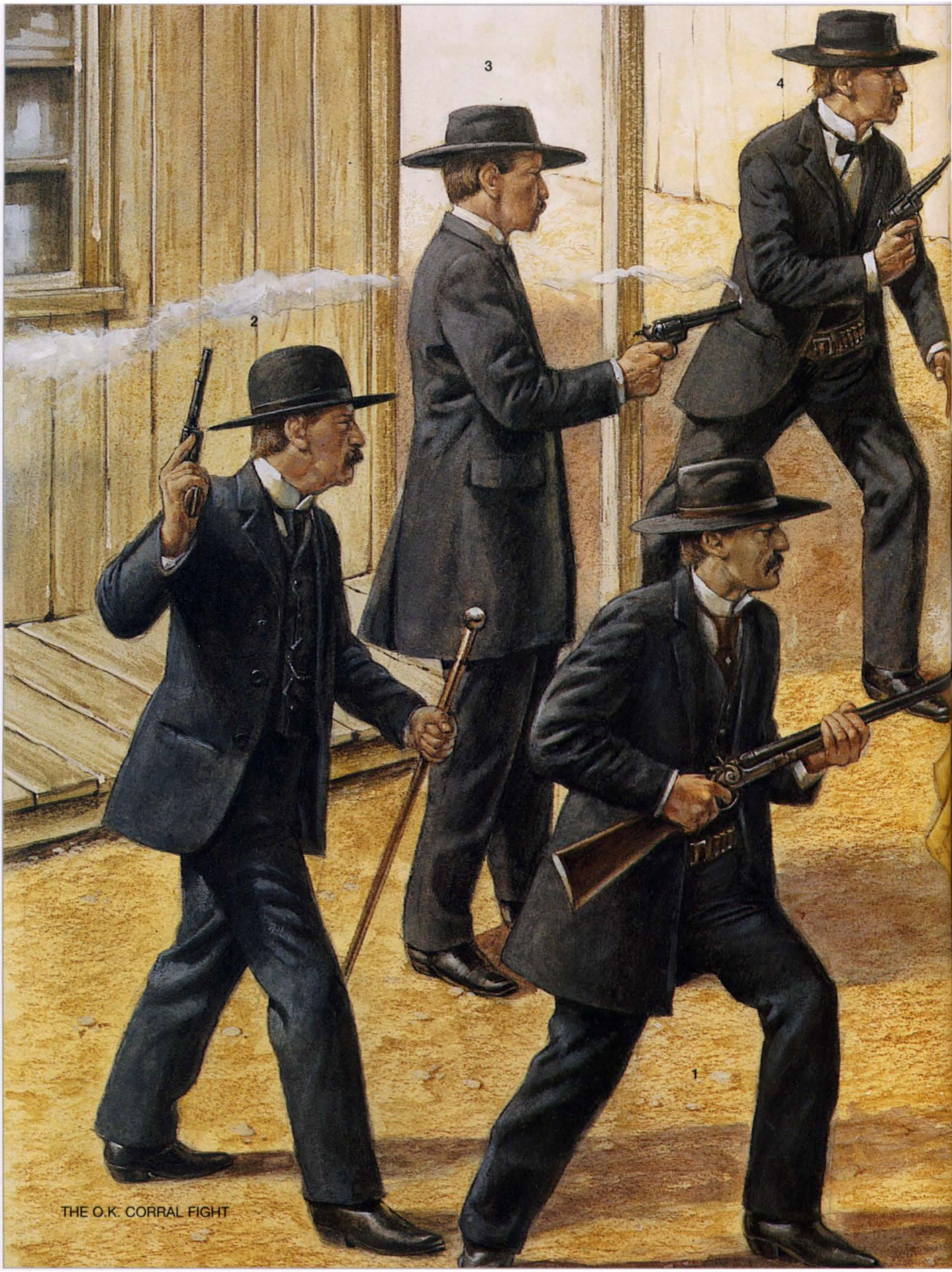
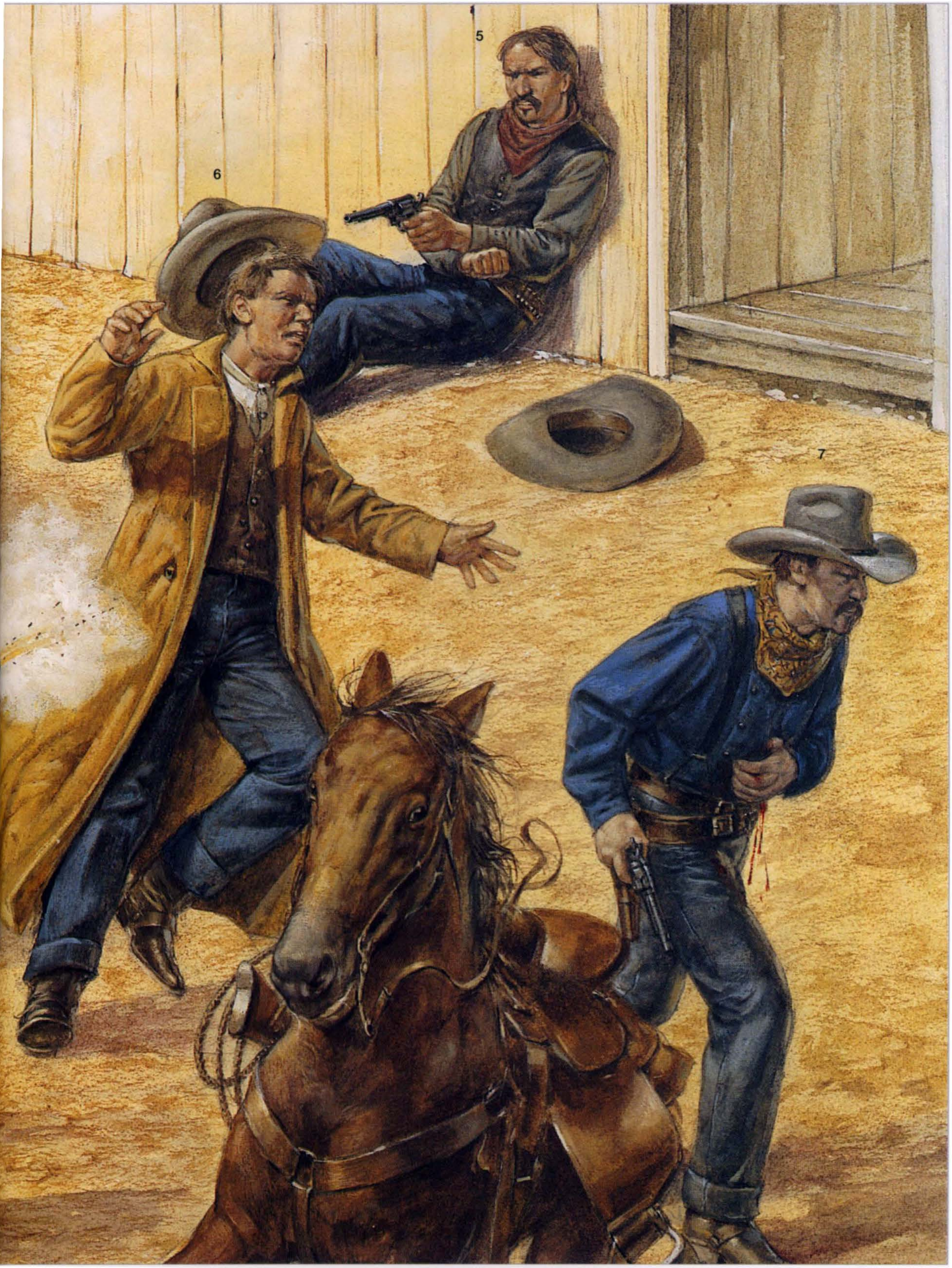


THE O.K. CORRAL FIGHT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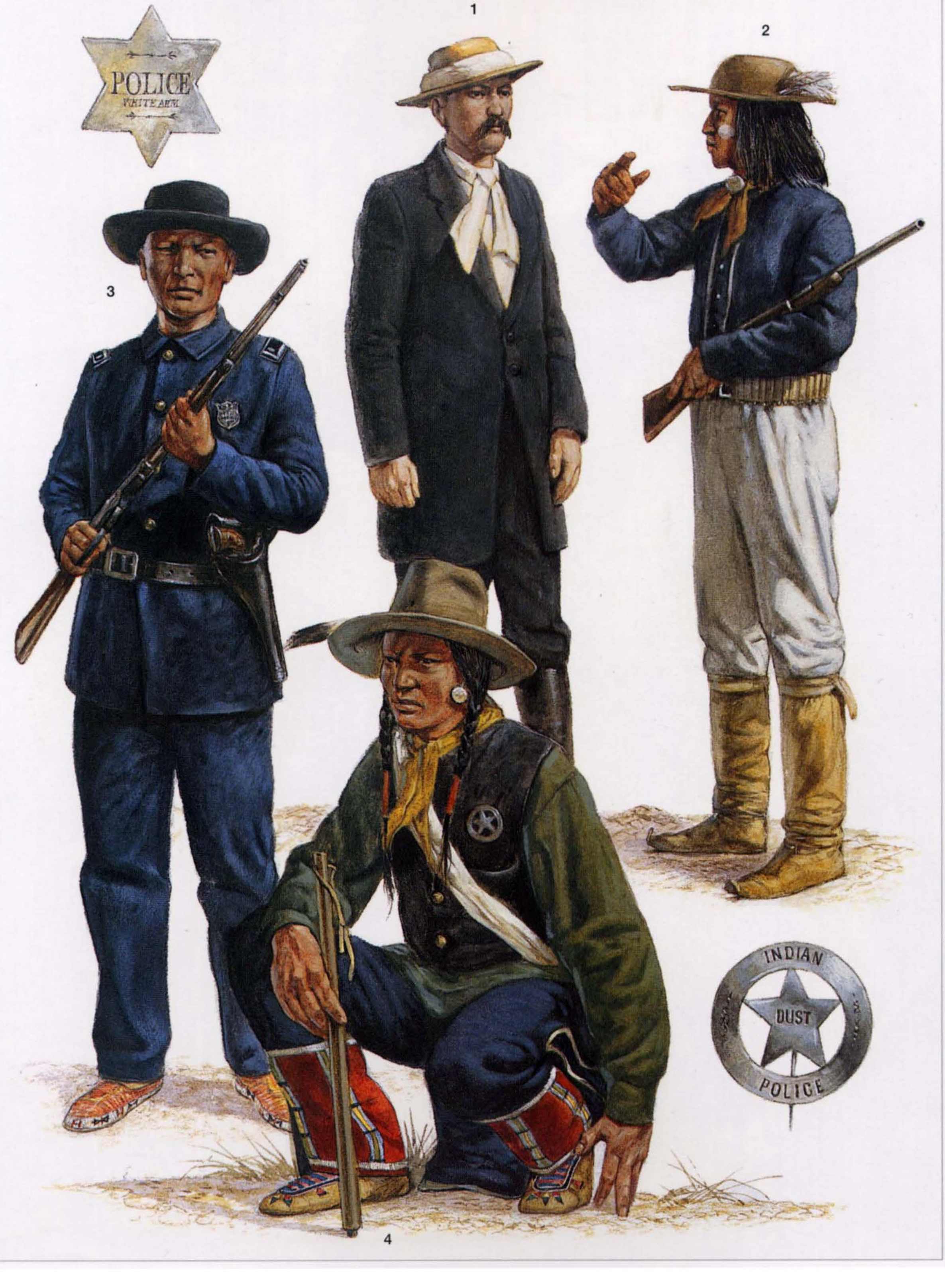
JOHN CLUM AND INDIAN POLICE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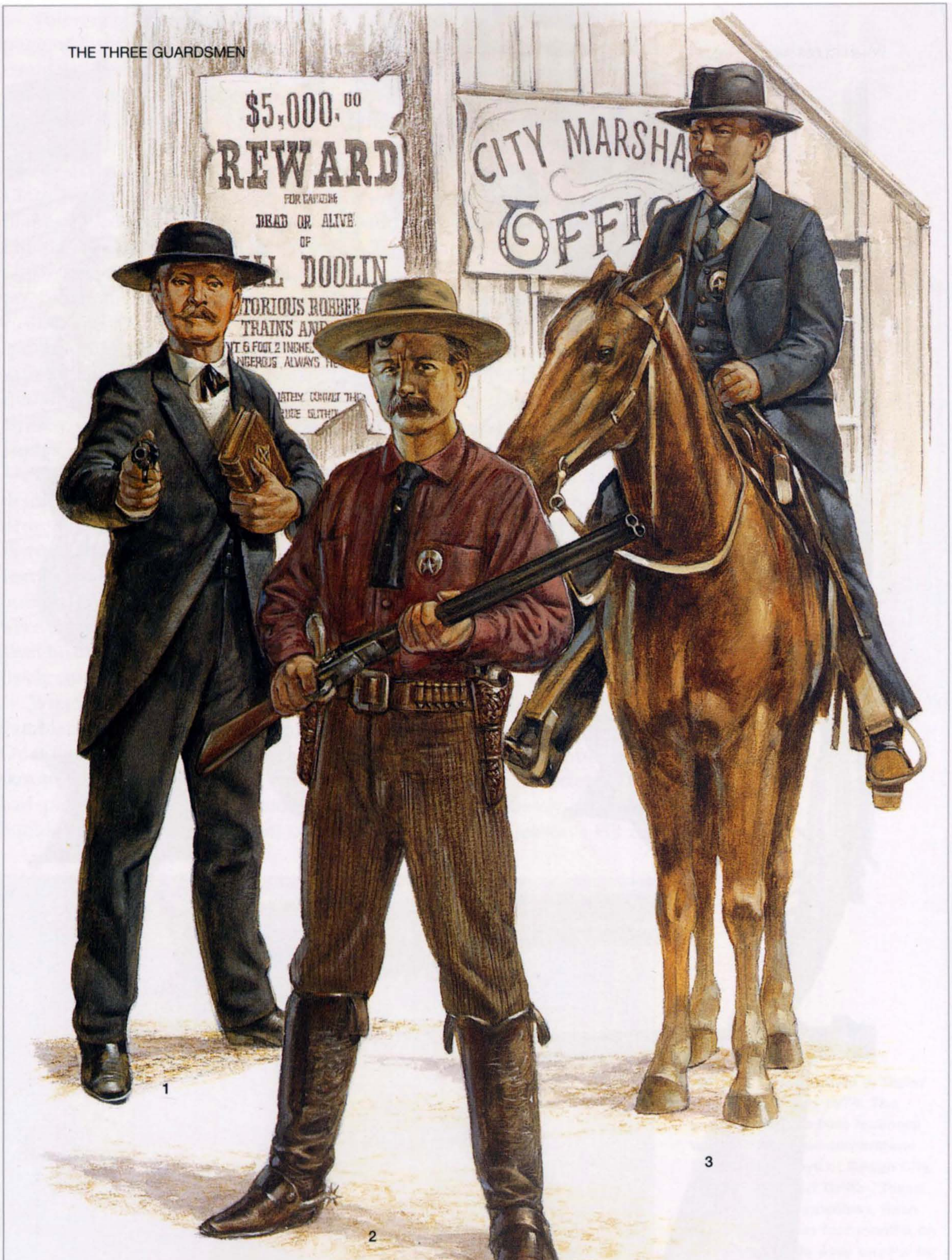
THE THREE GUARDSMEN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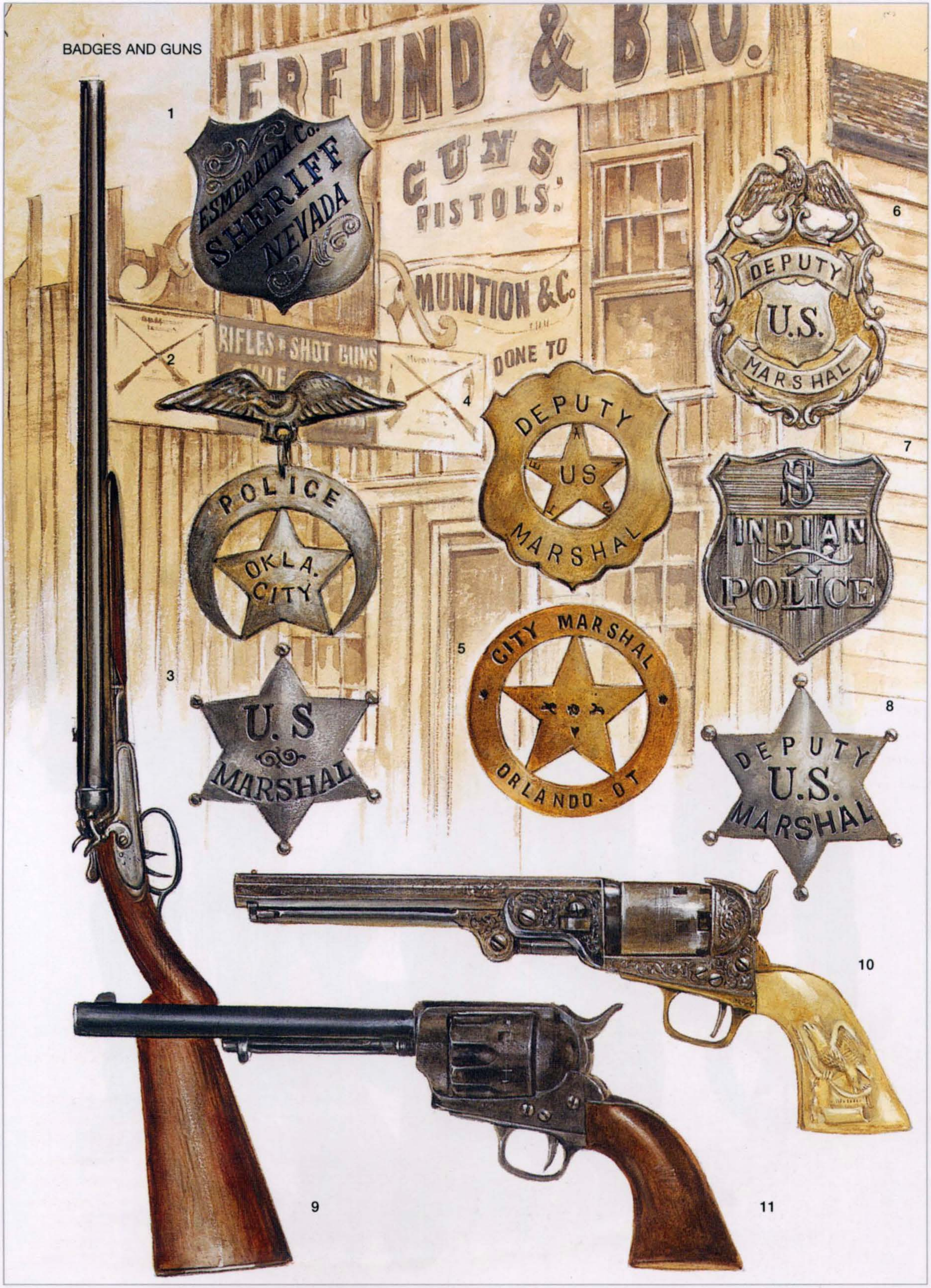
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Tolerance, however, allowed for a great deal, for on the very same page of his diary, Bourke noted, "Gambling Hells flourished: all games could be found. Three card monte, Keno, Poker, Roulette and Faro; but Faro was the favorite. The tables of these games of chance were grounded with players, winning or losing with equal indifference and equal stolidity. Every now and then, a tap upon the little bell by the dealer's side brought in refreshments of a liquid form for the crowd[.] Close by these were 'hurdy-gurdys', where the music from asthmatic pianos timed the dancing of painted, padded and leering Aspasias, too hideous to hope for profit in any village less remote from civilization."

Deadwood grew up along Deadwood Creek one of the more promising locales for prospectors and miners in the Black Hills gold rush. Plains towns like Dodge City, Kansas, and Fort Griffin, Texas, often sprang up around military posts, but their great economic boom began with buffalo hunting. In fact, the first proposed name for Dodge City was Buffalo City, but the Post Office Department rejected it because there already was a Buffalo, Kansas. Dodge, after the adjacent post of Fort Dodge, then became the logical choice.

The buffalo boom had started in 1870 when eastern tanners determined that buffalo hide made the best leather for the belts that drove the machines of the industrial East. The demand for hides skyrocketed, and the plains flooded with hunters. Within a few short years, however, the unimpeded slaughter virtually exterminated the buffalo, and the plains towns shifted to cattle. Cattle from south Texas were driven up the Great Western Trail, through Fort Griffin, to Dodge. Trail bosses bought supplies, and cowboys spent their pay, money flowed freely, and the need for tough lawmen continued.

Whatever the case, these towns drew ready cash, and attracted gamblers, thieves, prostitutes, and others eager to share in the wealth. One Fort Griffin resident recalled, "The buffalo hunters and their skinners, the drovers, and the cowboys going up the [Great Western] trail had plenty of money to spend, and they spent it recklessly....I saw a buffalo hunter come into town one day and market his season's kill for

Hunters skin a buffalo in Taylor County, Texas, in 1874. The lucrative buffalo hide business was an economic cornerstone for the early days of Dodge City, Kansas, and Fort Griffin, Texas. The hunters themselves, flush with money from four months on the range, made easy targets for crooked gamblers. (Texas State Library and Archives Commission)

$1,500, and the next morning he had to borrow money for his breakfast. The gamblers had gotten all of it. The ordinary fellow did not have the ghost of a show in those gambling halls. Most of the games were crooked, and if they could not get it one way, they would another. Frequently, they would get their victims drunk and 'roll' them and take it away from them in that way."

Similar scenes were repeated throughout the West. Buffalo hunter J. Wright Mooar came into Dodge City looking to sell his season's take to hide buyer Eugene LeCompt. He found the nervous LeCompt involved in a high-stakes card game with some rough-looking characters, in a saloon south of the "deadline" that separated Dodge City's red light district from the respectable north part of town. Recognizing the danger, Mooar disrupted the game by demanding immediate negotiations on his hides. After LeCompt folded and walked outside, he told Mooar, "I wouldn't go back in that house for a million dollars. By God, you saved my life right there."

Not all gamblers were cutthroats. Many were professionals who viewed the gaming tables as a calling, just as the cowboy viewed cows, or the miner a quartz-laden wash. One early Deadwood resident said, "Always they wore their poker masks and spoke with quiet voices. Winnings and losses alike left them apparently unmoved." Another added, "In Deadwood Gulch you've got to be a good loser. That's what life on the frontier is – chance. The professional gambler just goes a little farther with the game, that's all."

Like most generalizations, there often were exceptions. Trouble seemed to follow Luke Short, a sometime cowboy, dispatch rider, and drifter, who decided the elegant life of a professional gambler more suited his tastes. He spent several years gambling away his wages, carefully observing all the tools and tricks of the trade, so that by the late 1870s, he was a house dealer. In 1881, he was dealing at the Oriental in Tombstone, where he got into a dispute with Charlie Storms, whose reputations as faro dealer and gunfighter were equally impressive. Bat Masterson averted a shooting by intervening and leading Storms back to his hotel. Storms, however, reappeared at the Oriental, and in the ensuing scuffle, went for his gun. Short, however, fired first, and Storms died instantly.

After being cleared of murder charges, Short then went to Dodge City, where he purchased part-interest in the famous Long Branch Saloon. Here he had his second fight. It started when the police arrested some of Short's girls, but left those of the mayor's political cronies unmolested. Short subsequently got into an argument with one of the arresting officers, and guns flashed. Although the officer was unhurt in the shooting, Short and several other politically undesirable gamblers were run out of town. Once again coming to his aid, Masterson persuaded Kansas Governor G.W. Glick that Short was the victim of Dodge City politics. That, together with the appearance of Wyatt Earp in Short's cause, convinced the Dodge officials to let Short return. He remained until November 1883, when he sold out and bought an interest in a saloon in Fort Worth. Here he was involved in yet another shooting, this time killing former city marshal Jim Courtright, who was trying to extort protection money. After yet another fracas in 1890, resulting in minor injuries, Short's health began to fail, and he died in a Kansas spa in 1893.

A view of Front Street in Dodge City shows the famous Dodge House with its adjoining billiard hall, and other businesses typical of a Kansas hide and cow town. (Kansas State Historical Society)

The most famous card game in the West occurred in Nuttall and Mann's Saloon in Deadwood, on August 2, 1876, when Wild Bill Hickok finally met his end. Hickok was 39 when he drifted into Deadwood accompanied by his sometime paramour, Martha Jane "Calamity Jane" Cannary, and his sidekick Colorado Charley Utter. Although he recently had married circus performer Agnes Lake, she, apparently, was not part of the retinue. Gonorrhea had blurred Hickok's distance vision, but he was still a dead shot up to 25 yards. His dissipated lifestyle had left him a shadow of his former self but, nevertheless, his reputation was intact and that, combined with his braggadocio, were his undoing. As Black Hills historian Watson Parker has noted, many had grudges against him because of friends or relatives who had died in past disputes. Still others would have been willing to kill Wild Bill, simply to go down in history as the man who did it. Among the latter was an undistinguished drifter named Jack McCall.

Aware that he was a walking target, Hickok took precautions. He tended to use his left hand, leaving his gun hand free, and he preferred sitting with his back to the wall. On this particular evening, however, he violated that rule, and McCall came up behind him and shot him in the back of the head. Hickok was holding two pairs, aces and eights, which have since become known as the "dead man's hand." As there was not yet any formal law in Deadwood, a miners' court convened and quickly cleared McCall based on his false allegation that Hickok had killed his brother. But a miners' court did not have the legal standing to protect from double jeopardy, and McCall was later convicted of the murder in a territorial court in Yankton, and hanged.

The miners' jury that acquitted McCall was typical of the tough element that made up the bulk of the population of these early towns. But the very reason for these towns' economic existences called for tough people. The mines, buffalo ranges, railroad camps, and cattle trails were not places for the faint-hearted. In areas where a town sprang up around a military post, the post commander might exercise some jurisdiction over the surrounding area, to keep his troops out of trouble. But, as in the case of Fort Griffin, the establishment of a local jurisdiction removed the area outside the post from military control.

Following the organization of Shackelford County in 1874, Fort Griffin was designated the temporary county seat. In June 1875, the first grand jury convened by the new county handed down indictments. Many involved women accused of "keeping a disorderly house, to wit: a house where vagabonds & prostitutes resort for the purpose of public prostitution." Every so often the litany of "disorderly house" offenses was broken by men indicted for "playing at a game with cards in a house used for retailing spirituous liquors."

The removal of the town from military control also meant less control over soldiers out for a night on the town. The post surgeon complained: "The habits of the Men might be materially improved, by the removal of a number of Lewd Women living in the vicinity of the Post. The Soldiers not only become demoralized by frequenting these resorts but some of them have already contracted venereal diseases and one soldier was wounded by a pistol ball in one of these drunken haunts. It would, in my opinion be a great benefit to the garrison and improve the discipline and health of the post if these disreputable women were removed by the Authorities, either Civil or Military."

The problem was that the military couldn't, and the civil wouldn't. As Bourke noted in Deadwood, prostitutes were tolerated rather than welcomed in the woman-starved West. Virtually every jurisdiction outlawed prostitution, but the enforcement was uneven at best. Shackelford County records show that the Fort Griffin prostitutes were arrested on the average of once a year, fined $100 on each count of their indictments, and released to resume their trade. The fines, in fact, were nothing more than a "sin tax" that brought revenue for the county.

In Tombstone, prostitution was initially confined to a saloon district along Allen and Fremont Streets, but in 1882 the restrictions were lifted. The town council, interested in boosting Tombstone as a major mining center rather than a place to raise a family, recognized that a well-developed system of bordellos was an integral part of a predominantly male business environment. In fact, the sheriff was responsible for collecting monthly operating fees from gambling establishments, saloons, theaters, and bordellos.

If Tombstone was less interested in respectability than economic development, Abilene was trying to become civilized. Founded in 1857, and formally organized in 1869, it was a hell-for-leather railhead for the cattle trails, populated with a volatile mixture of soldiers, buffalo hunters, Texas cowboys, and railroad men described by lawman historian Glenn Shirley as some of "Satan's best prospects." Yet the town council, headed by Mayor T.C. Henry, wanted Abilene to be a place where honest citizens could raise their families. Accordingly, in 1870, the council prohibited carrying firearms within the city limits, licensed the saloons, established closing hours, and tried to zone the rowdy houses to a single district on Texas Street.

Now that they had ordinances, they needed a marshal to enforce them. Several marshals tried to bring the Texans under control, but the cowboys responded by shooting the "No Firearms" sign full of holes, and demolishing the stone jail. They even tore up the blinds of the mayor's office. In desperation, Henry turned to a man he had previously rejected for the job, soft-spoken New Yorker named Thomas J. Smith, called "Bear River Tom" because of his role in a gun battle in Bear River, Wyoming, in 1868.

The cowboys were waiting when Smith rode up Texas Street. One particularly tough trail boss shoved his revolver prominently around his waist, and when the marshal advised him of the gun ordinance, responded, "Go to hell!" In a flash, Smith smashed his fist against the cowboy's face, knocked him senseless and disarmed him. When the Texan came to, Smith ordered him back to his camp. When another trail tough ended up on the floor of a saloon, the cowboys stepped up and began handing over their arms. Smith's nerve had won their respect, and his preference for his fists over his gun assured them that he had no animosity toward them as long as they behaved themselves.

Abilene gained a reputation as a quiet town. Although Smith neither drank nor gambled, nor used strong language, he did not try to enforce his views on others. The saloons and bordellos continued their thriving business on Texas Street, but the days of random gunplay seemed past.

On November 2, 1870, Smith and Deputy Sheriff James McDonald went to Andrew McConnell's farm to arrest him for killing a man who had driven cattle across his land and ruined his corn crop. McConnell and a neighbor, Moses Miles, were chopping wood when the lawmen arrived, and tried to flee into McConnell's dugout cabin. They cut off Miles, but McConnell made it inside and bolted the door. While McDonald covered Miles, Smith broke down the door of the cabin where McConnell was waiting with a rifle. Both men fired, Smith hitting McConnell in the hand, and McConnell's bullet striking Smith in the chest. Wounded but not down, Smith grappled with the farmer.

Outside, McDonald thought Smith had been killed. Seized with panic, he fled. But the marshal had overcome McConnell, dragged him outside, and threw him onto the ground. He was putting the handcuffs on when Miles crept up from behind and struck him on the neck with an axe, nearly severing his head. McConnell and Miles fled, but were apprehended several days later. They escaped the death penalty but received long prison sentences.

Bear River Tom Smith was given the best funeral Abilene could afford. A granite headstone over his grave was inscribed:

> "A Fearless Hero of Frontier Days,
> Who in Cowboy Chaos,
> Established the Supremacy of Law."

"Cowboy chaos" was not an exaggeration. After three months eating dust in the trail up from Texas, cowboys drew their accumulated pay and were ready to celebrate. And "rowdy" was a mild term for their celebrations. Most cow towns had a system by which a cowboy got "squared" with the local authorities. This essentially was a bribe that the trail boss or herd owner paid to the town marshal, guaranteeing that a cowboy who was arrested for being too unruly was taken to a cheap hotel to sleep it off, rather than being dragged to jail. A single bribe paid to cover the period that the cowboy was in town was substantially cheaper than bailing him out of jail every morning. This, of course, was for minor offenses, such as discharging a firearm, brawling, or vandalism, and the trail boss or herd owner also agreed to cover any damages. The "square" fee did much to stabilize the town marshal's income.

The reason most cow towns were indulgent was simple – money. It cost $1,500 to trail a 2,500-head herd from Texas to Kansas, and 80 percent of that was spent north of the point of origin. Considering that a single season might bring as many as 250,000 to 350,000 head of cattle into town (in one week alone Abilene's Great Western Stock Yards shipped 58 railroad carloads of livestock to market), the goodwill of the trail bosses and herd owners often determined a town's survival. The fact was that cowboys, miners, buffalo hunters, railroad men, and, to a lesser degree, soldiers had money to spend and there were very few ways on the frontier to spend it virtuously. As Jimmy Skaggs observed in his history of the Great Western Cattle Trail, a quiet town was a town in serious economic trouble.

"Squirrel Tooth" Alice, one of Dodge City's leading prostitutes, holds her trademark squirrel mascot in this formal portrait. (Kansas State Historical Society)

The most appropriately named of the tough towns was Tombstone. Interestingly enough, the name had nothing to do with the town's wild and wooly reputation. It came about when a man named Ed Schieffelin began prospecting between the San Pedro River and the Dragoon Mountains in southeastern Arizona. When, having found nothing, he went to Fort Huachuca to resupply, people said that all he would find would be his tombstone. In the spring of 1877, Schieffelin had located a "float" – an outcropping broken off from the major lode of silver – and went into partnership with a supplier named William Griffith. Two claims were filed, one named Graveyard, and the other, Tombstone. Rather than creating a silver rush, the area almost immediately attracted mining companies, and soon communities sprang up around the mines. The most famous was named for Ed Schieffelin's original claim – Tombstone.

Even without the Earp–Clanton feud, Tombstone was a tough town. Shootouts in the local saloons and bordellos were frequent, and no one bothered to keep count of the casualties. In summing up the O.K. Corral fight, Judge Spicer essentially gave a portrait of Tombstone itself. It was, he said, a "condition of affairs incidentally to a frontier country, the lawlessness and disregard for human life; the existence of a law-defying element in our midst; the fear and feeling of insecurity...the supposed prevalence of bad, desperate and reckless men who have been a terror to the country, and kept away capital and enterprise...."

President Chester A. Arthur agreed. As a federal territory rather than a state, Arizona ultimately was his responsibility, and he had heard enough of Tombstone. On May 3, 1882, he issued a proclamation, advising the Territory of Arizona to get control of its lawless within the next 12 days or face the prospect of martial law. Tombstone citizens knew he was talking about them. Although they held protest rallies and accused the president of "slandering" their city, they nevertheless realized he was right. Public opinion was shifting and by the end of 1883, southern Arizona was no longer a safe haven for criminals.

Even as the badmen were being run out of the area, Tombstone itself was going into decline. A drop in silver prices, increased costs of mining, and flooding in the shafts all combined to end its reason for existence. Tombstone became a sleepy little desert town, but did not disappear entirely. Today, it and Deadwood prosper by sharing their past with tourists and, in Deadwood's case, with the additional incentive of casinos.

Fort Griffin was not so fortunate. Its buffalo economy vanished after the buffalo were exterminated. With the end of the Indian Wars, its soldiers were withdrawn. The demise of open range ranching in the early 1880s spelled the end of the cattle trailing industry. Too far beyond the mainstream of American life for any other purpose, Griffin was no longer economically viable. Today, there is little left but overgrown foundations to indicate a rough and tumble frontier town, the largest thing going between Fort Worth and El Paso.

In Kansas, Abilene is a major city, whose location in the center of the state makes it a key shipping point for the all-important agricultural produce. Dodge City remains on a major east–west line of travel. Yet in the midst of modernity, the ghosts of the past linger and, in fact, find welcome haven.

FROM TRIBAL LAW TO WHITE MAN'S LAW

In their thousands of years of isolation from the Old World, the American Indians developed various systems of government and law, according to their immediate needs. Thus when Europeans pushed into North America, they found a wide variety of legal and political structures. Some, like the authoritarian Powhatan domain of Virginia and North Carolina, were marginally familiar. Others, particularly, among the nomadic tribes of the plains, were totally alien.

Among the Plains Indians, law and order were social concepts, rather than political absolutes. The law of a Cheyenne camp was nothing more than public opinion, but conformity was considered essential for the community's survival. Violations were punished to a greater or lesser degree, based on damage or potential damage done to the community. The offenders might be whipped by members of the warrior societies, who functioned as camp police. Or their property was destroyed, their lodge poles broken, or their ponies killed.

Even so, crime, as understood in the Old World, was extremely rare among the Cheyenne. Generally, the most serious problems were disputes between individuals, which were settled when each side presented his case to the council of chiefs which would render a decision. Theft was almost unknown. Homicides might be years apart, and generally involved alcohol or a woman.

Among the Western Sioux, a similar system existed whereby the individual conducted himself according to the needs of the camp as a whole, and this system was rigidly enforced by the warrior societies. They handled civil violations, while criminal conduct was punished by the victim and/or his family. Theft was considered a particularly odious offense, and this was so thoroughly drilled into the Sioux from childhood, that it was almost nonexistent, except in cases where one man ran off with another man's wife. The wife might then suffer permanent disfigurement by her husband. Technically, her lover could be expelled from his warrior society and publicly censured, but in reality wife-stealers were so often killed by the woman's husband or her brothers that murder was practically equated with wife-stealing.

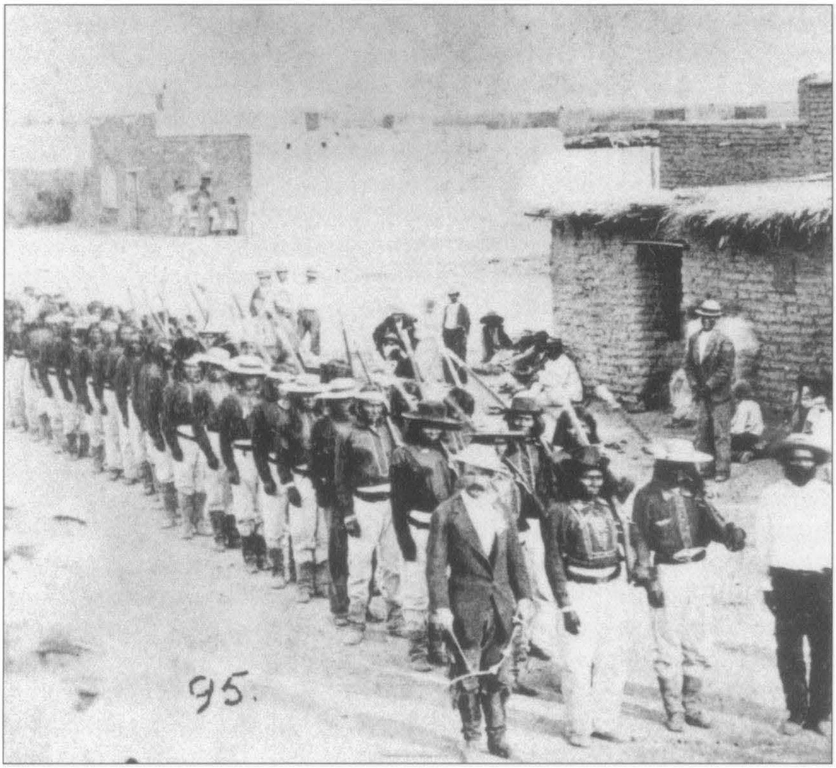
Given these fairly uncomplicated systems, which were more or less universal throughout the plains, the sudden imposition of federal law codes was a traumatic event for the Western Indians. Nevertheless, they adapted, and Indian police officers who enforced the white man's law earned an honored, if neglected, place in the annals of western lawmen.

Among the so-called "wild" Indians, the pattern for successful transition was set with those that conventional wisdom considered the most intractable – the Apaches. The concept of laws of possession were particularly hard for them to understand, because they themselves had so few possessions. Property was portable, and generally gained by gift, trade, wager, or manufacture. Theft was very rare, and when it did occur, the offender was generally forced to return the property. He was also subject to ridicule which, while trivial from the Old World viewpoint, could be unendurable to an Apache. The theft and butchering of stock, however, was a serious offense, and the owner frequently killed the guilty party. As in pre-Norman England, murder was not an offense against society, but rather against the victim and his family. Consequently, it was the responsibility of the family to seek retribution. Thus it was difficult for the Apaches to understand why the government put so much emphasis on legalism and exacted, from their viewpoint, such draconian punishments.

The metamorphosis began on August 8, 1874, when John P. Clum, a cocky young New Yorker, arrived to assume the duties of agent at the vast Apache reservation at San Carlos, Arizona. As he passed through Tucson, then the territorial capital, most onlookers believed that within a week he either would be dead or fleeing the reservation in terror. In fact, his predecessor had fled after a series of murders of whites on the reservation, including Lt. Jacob Almy, commander of the military garrison.

But Clum's self-assurance was backed by a determination to gain the confidence of the Apaches by giving them his trust, augmented by a great deal of common sense. At times, he might have seemed audacious, but the audacity was carefully calculated, and usually backed by substance. The first thing he determined was that over the past 18 months, there had been "too many bosses," civil and military. Each imposed his own policy, and some had no policy at all, confusing and demoralizing the Apaches. Quite simply they did not understand what the white men wanted from them.

Two days after arrival, Clum called a council, outlining his agenda to the Apaches. The key, he said, was that he expected the Indians to assist him in the government and the administration of the agency. Once that proved successful, he would pressure the federal government to remove the garrison, and leave the Apaches to look after themselves. The idea that they would have a hand in their own fate, rather than be subject



John P. Clum (bottom center in white helmet and moustache) parades his well-disciplined, well-armed Apache Police on the street in Tucson. The tough Indian officers had no qualms about arresting or, if necessary, killing their own people, including relatives who threatened law and order on the reservations. (Arizona Historical Society, Tucson, AHS 924)

to orders and control, was something entirely novel in their dealings with whites. Clum knew from their immediate response that he was beginning to win them over.

That accomplished, he went into details. When white men did wrong, other white men punished them. The same would happen in San Carlos. He would establish an Apache police force. He would appoint a supreme court with himself as chief justice and Apaches as associate justices. Apaches would serve as witnesses. As he later explained: "Under this system, all Apache offenders would be arrested by Apache police, brought before an Apache court, with Apaches as witnesses, and, if convicted, sentenced by Apache judges, and finally delivered into the custody of Apache guards...Within a month these departments were effectively enforcing agency regulations – which anticipated some of our federal statutes by nearly half a century."

Initially, four Apaches were appointed police officers. Their first test came about a month later when one of them, Eskinospas, quietly informed Clum that a group of Apaches hidden in a canyon were making a powerful home brew known as *tizwin*, in violation of federal prohibitions against alcohol on Indian reservations. Clum and his officers set out for the illegal operation about 9pm that night, crossing 4 miles of rugged terrain before they reached the canyon. In the gloom below, they could see the fires under the brewing kettles, and about 25 Indians, more than they had expected.

The police officers were untested, and their arms, obsolete .50-caliber government issue Springfield rifles, were defective. Nevertheless, he kept Eskinospas by his side and slipped down into the canyon, while the other three deployed in the brush around the camp. When Clum was sure they had had time to get into position, Eskinospas gave a war cry, answered by the other officers. They yelled over and over again, varying the tone to convince the moonshiners they were surrounded by scores of officers. The women and children scattered into the brush, while 11 men lined up awaiting arrest. Three of the officers covered them, while Clum and Eskinospas destroyed the brewery.

The next morning, the moonshiners were arraigned before the Apache court. Rather than preside, Clum presented the government's case to the Apache justices, and the police officers testified for the prosecution. The defendants were found guilty and sentenced to 15 days' hard labor in the Apache guardhouse, under the custody of Apache officers. The system worked, instilling even greater confidence among the Apaches of San Carlos.

In another turn of events, the agency at Camp Verde was closed, and its Apaches consolidated at San Carlos. Firearms were prohibited at San Carlos except when issued to the men for the specific purpose of hunting. The Verdes arrived fully armed, and gave notice that unless Clum wanted an Indian war, they would keep their arms. Clum was adamant that the Verdes had to follow San Carlos regulations. Meanwhile, Eskiminzin, an Arivaipa Apache chief who had become friendly with Clum, formed an ad hoc secret service to support and protect the agent, and undermine the resolve of the Verdes. In the end, they surrendered their arms, and Eskiminzin's act of faith was among the key factors in a decision to withdraw the military from the reservation. Clum and his Apaches were now on their own.

The closing of smaller agencies continued, and the number of Apaches consolidated at San Carlos rose from 700 to 4,200. Clum expanded his police to a permanent force of 25 officers, including new arrivals, and appointed a dependable frontiersman named Clay Beauford as chief of police. Soon afterwards, one of the wives of the Tonto Apache chief Disalin reported that he beat her, and occasionally tied her to a tree to see how close he could come throwing his knife without hitting her. Besides being a chief, Disalin was the brother of Tauelclyee, one of the original four police officers. Nevertheless, Clum called him in and told him to either stop mistreating his wife or send her back to her family. Annoyed, Disalin left.

An hour later, he was back, carrying a blanket. He glanced into the agency clerk's office to determine his whereabouts, then closed the door. Clum demanded to know what was on his mind, and Disalin broke into a fury. At that moment, the agency physician and janitor walked in. The chief ran into the clerk's office, fired a poorly aimed shot, then ran outside. His attempts to kill Clum and the clerk thwarted, he was now on his way to kill Chief Beauford. Hearing the shots, two Apache officers ran up and fired, their bullets only grazing Disalin. He continued on until he encountered Beauford, firing a wild shot that missed. Disalin momentarily stopped to get better aim. Suddenly another shot rang out and Disalin was dead, killed by Police Officer Tauelclyee. "I have killed my chief and my own brother," he told Clum. "But he was trying to kill you, and I am a policeman. It was my duty."

The greatest coup for Clum's Apache police was the arrest of Geronimo during his first outbreak in 1876–77. Assigned to the task of bringing him in, Clum took a large contingent of police officers and reserves, and trailed him to the Mimbres Apache agency at Ojo Caliente, in southwestern New Mexico. He arrived at Ojo Caliente on April 20, and sent word to Geronimo that he wanted to see him. Geronimo arrived with a hundred warpainted warriors the next morning. Seeing Clum on the veranda with six officers, and 22 men deployed in an irregular line from a ravine to the commissary building, the chief wrote them off as a threat, and assembled his warriors in a group on the parade ground. Then he and three other chiefs pressed menacingly forward.

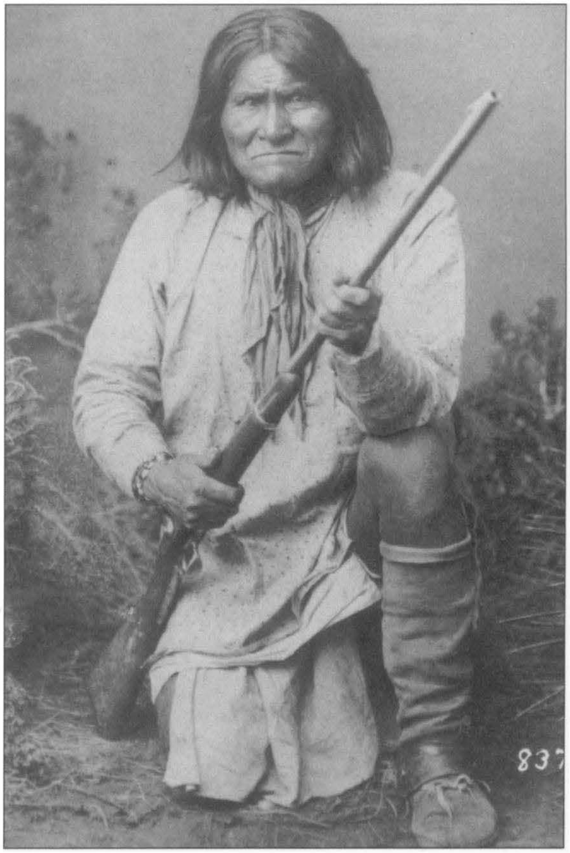
Clum gave Geronimo a dressing down for his depredations, and told him that he and his warriors were going back to San Carlos. Unimpressed, Geronimo replied, "You talk very brave, we do not like that kind of talk. We are not going to San Carlos with you, and unless you are very careful, you and your Apache police will not go back to San Carlos, either. Your bodies will stay here at Ojo Caliente to make food for coyotes."

Clum raised his left hand, touching the brim of his hat. Suddenly, the commissary doors swung open, and an Apache sergeant dashed out at the head of a file of reserves, forming a line across the parade ground. Geronimo started to pull back the hammer of his rifle, and Clum slipped his hand to the grip of his revolver. At that signal, 22 officers leveled their rifles at Geronimo and his men. Altogether they faced 80 policemen awaiting the command to open fire. Clum took Geronimo's rifle and handed it over to Tauelclyee. Beauford disarmed six other chiefs. The rest of them laid down their arms. The first Geronimo outbreak was over, and had been quelled by the Apaches themselves.

On the Northern Plains, efforts on the Sioux and Cheyenne reservations to organize a system similar to Clum's began after the close of the Great Sioux War of 1876–77. At Pine Ridge, in what is now South Dakota, Agent Valentine T. McGillycuddy proposed organizing an Indian police force among the Oglala Sioux shortly after assuming the agency in early 1878. His motives were the same as Clum's – removal of the soldiers and a shift toward self-government. He also believed that when a warrior took the government oath, wore the government uniform, and drew government pay, his own sense of honor would make him incapable of treachery, and prompt him even to hunt down and – if necessary – kill members of his own tribe in the performance of his duty.

The idea was resisted by Red Cloud, one of the greatest of the Oglala chiefs, who saw the establishment of a police force, answering to the agent rather than to him, as a weakening of his authority. Yet McGillycuddy also had a powerful ally in the leading warrior Little Big Man. On Little Big Man's advice, he appointed a young warrior named Man Who Carries the Sword, generally known as Sword, to select 50 young warriors. Despite harassment from the Red Cloud faction, Sword organized the force and was appointed captain.

The elusive Geronimo was apprehended for the first of several times by Indian police under Apache Agent John P. Clum. (Library of Congress)



Despite McGillycuddy's efforts, and the goodwill of the Indians, the organization of the force proceeded haphazardly. A retired cavalry sergeant drilled the officers, and after some hesitation, the army supplied Spencer repeating rifles. But rather than providing the standard issue blue uniforms that the Indians expected, the government initially sent surplus Confederate uniforms. On learning the significance of the gray, the Indians refused to wear them; they had sworn an oath to the Great Father, and would not wear the uniform of his enemies. Ultimately, the government blue arrived.

The first serious problem arose when the Cheyenne chief Spotted Wolf led 25 warriors on an outbreak. McGillycuddy ordered Sword to take 25 officers in pursuit.

"Spotted Wolf must return," McGillycuddy said. "You understand, Captain. Bring him here to my office, alive – or dead."

Sword saluted and left. For 11 days, McGillycuddy waited for some word, not certain if his police had been caught and massacred, if they themselves had joined the hostiles, or if they had been successful. On the evening of the 11th day, the police returned, their Cheyenne prisoners wailing a death song. Sword had followed Spotted Wolf's band into Wyoming. In the confrontation, Spotted Wolf went for his gun, and Sword killed him. The body was in a bundle lashed to a travois. The others, seeing the futility of resistance, had surrendered. Like Clum's Apaches, McGillycuddy's Oglalas had proved themselves. Eventually, even Red Cloud grudgingly came around.

Perhaps the most traumatic confrontation between Plains Indian officers and their fellow tribesmen came at Standing Rock, North Dakota, on December 15, 1890, in the midst of a Pan-Indian messianic movement known as the Ghost Dance. Whether the Ghost Dance ever was a serious threat is debatable. But its nascent Indian nationalism, its calming influence over the ancient tribal hatreds that had served the government so well in the past, and its promise of a world free of whites, was enough to convince federal officials that the movement had to be quelled.

At Standing Rock, the Ghost Dance centered around Sitting Bull. Although Agent James McLaughlin questioned the seriousness of the situation, he was pressured by higher authorities to stop it. Most of all, he feared military intervention because he was afraid it would lead to unnecessary bloodshed. Besides, he saw the Ghost Dance as a phase that was beginning to fade at Standing Rock.

The problem was aggravated when Buffalo Bill Cody, whom Sitting Bull knew, arrived with a commission from Maj. Gen. Nelson Miles to arrest the chief. McLaughlin telegraphed the commissioner of Indian Affairs, "A few Indians still dancing, but it does not mean mischief at

The great Hunkpapa chief Sitting Bull died when a fight broke out as Indian police officers tried to arrest him for his participation in the Ghost Dance movement. (Author's Collection)

present. I have matters well in hand, and when proper time arrives can arrest Sitting Bull by Indian police without bloodshed." The reply from Washington indicated the government planned military action, regardless of McLaughlin's views.

On December 14, an Indian officer brought a message from police Lt. Bull Head at Grand River, where Sitting Bull lived, that the chief planned to leave the reservation. Bull Head urged immediate action. McLaughlin dispatched Sgt. Red Tomahawk back to Grand River with orders to arrest Sitting Bull early the next morning. Two companies of cavalry would stand by in the vicinity for back-up if needed, but the arrest itself would be made by Indian police.

At dawn the next morning, 39 Indian officers and four special officers, under Bull Head and Sgt. Shave Head, deployed among the houses around Sitting Bull's home. Going inside the house, Bull Head rousted up Sitting Bull and told him he was under arrest. Determined to make a good impression, Sitting Bull called for his best clothes, and asked one of the officers to saddle his best horse. Everything appeared calm. They walked out with Sitting Bull between Bull Head and Shave Head, with Red Tomahawk bringing up the rear.

Outside, however, they found themselves confronted by a crowd of heavily armed Ghost Dancers. The police shoved through the mob, and Sitting Bull started for his horse, when his son, Crow Foot, shouted, "You call yourself a brave man and you have declared that you would never surrender to a blue-coat, and now you give yourself up to Indians in blue uniforms."

Forced into a corner and humiliated by his own son's challenge, Sitting Bull shouted for the Ghost Dancers to attack. Two warriors immediately opened fire, mortally wounding Bull Head and Shave Head. As he fell, Bull Head sent a bullet through Sitting Bull's body, and Red Tomahawk finished him with a shot in the cheek. Red Tomahawk then took charge, and drove the crowd into a stand of trees, giving his officers a chance to retreat into the houses. Officer Hawk Man No. 1 (to distinguish him from another officer named Hawk Man) dashed through the gunfire, grabbed a horse, and went to alert the soldiers. By the time the troops arrived, six policemen and eight of Sitting Bull's followers, including the defiant Crow Foot, were dead. The officers were buried with full honors, and a military detachment from Fort Yates fired a salute over their graves.

To the casual observer, it might seem that today, Indians have made the full assimilation to what they used to call "the White Man's Road." Yet, in many cases, the conversion is problematic, and conflicts between the two systems have never been completely resolved. The situation is further complicated by the special status accorded Indians under modern federal law, that often hamstrings the civil authorities of the states in which Indian lands are located.

In Pine Ridge, a conflict rages between the tribal officials, who live in the urban area of the reservation, and the more traditional members who live in the more remote rural areas. The officials are often of mixed blood, and are viewed as collaborators, playing the government's game in order to increase their own power. The clash between the two groups led to violence in the spring of 1973, resulting in the death of two Indian dissidents, the paralysis of a federal officer, and the controversial imprisonment of traditionalist spokesman Leonard Peltier.

In local affairs, contracts between Indian tribes and outsiders have been declared unenforceable by the United States Supreme Court. Likewise, Indian lands are off-limits to local law enforcement, who cannot enter to serve warrants or processes, or to make arrests without permission from the tribal authorities. Thus, in many ways, the relationship between traditional law and conventional legal codes remains as cloudy as it was more than a century ago.

THE TRIUMPH OF THE LAW

In 1882 Southern Pacific was pushing its rails across West Texas toward the Pacific. As it reached the Pecos River country beyond Del Rio, there was little, if any, semblance of authority. The brawling construction workers were enough of a problem, but when the situation was aggravated by lawless elements hanging about the camps, the contractor began complaining to the Texas Adjutant General's Office. Rangers were sent to clean up the area.

The problem was that this vast expanse was Pecos County, under the jurisdiction of the courts at Fort Stockton, over 200 miles away. The solution appeared with a tough, sagacious old man who ran a saloon near the camps. His name was Roy Bean. The Ranger commander, Capt. T.L. Oglesby, pressed for a justice of the peace, and, even without official sanction, Roy seemed to fit the bill. On July 25, 1882, the Rangers brought him his first case, a man named Joe Bell, who was charged with aggravated assault. Roy found him guilty, inaugurating the popular image that he was a "self-appointed" judge. In fact, that was his only case without legal sanction because, on August 2, the Pecos County Commissioners' Court formally appointed him justice of the peace. Saloonkeeper Roy Bean entered history as Judge Roy Bean.

Roy did not have a shred of legal training, nor was he interested in acquiring any. Likewise, no one ever accused him of honesty. His rulings were based on a feel for the locale, on common sense, and very often on what suited his own interests. Nevertheless, he commanded the respect of the cowboys and railroad construction workers, in a time and a place where the respect of the cowboys and construction workers was far more important than legalities. When Judge Roy Bean made a ruling, it stuck. That, in itself, was a remarkable achievement.

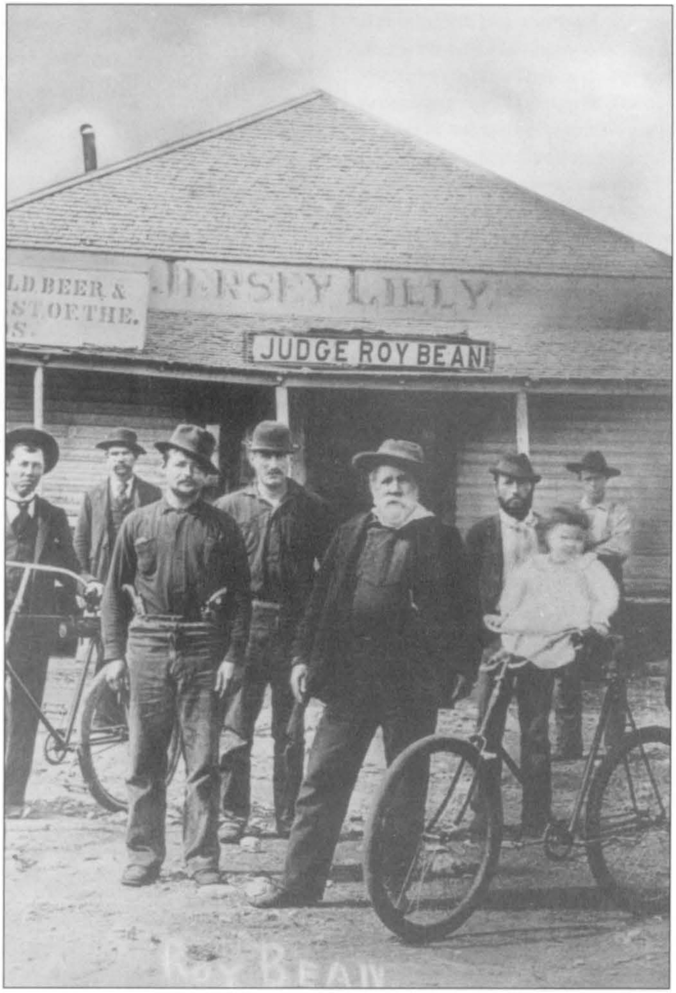
Eventually, Roy settled in a railroad tank town that he promptly named Langtry, after the popular actress Lillie Langtry. Here he kept court in a large saloon near the tracks, where he swindled customers by fumbling about in making change until the whistle of the departing train told them they could argue no longer. When that saloon burned, he built a smaller one, named the Jersey Lilly in a second – misspelled – attempt to honor Mrs. Langtry.

Often Roy's rulings were – to say the least – unique. Once, when a railroad worker named O'Rourke, who happened to be a regular customer at the saloon, killed a local Chinese, Roy searched through his law books, and announced that there was no law specifically prohibiting the killing of a Chinese. Another time, when functioning as coroner, he conducted an inquest on a man who had been knocked off a bridge by a sudden gust of wind, and plunged to his death. Examining the corpse, Roy found $40 cash and a pistol in the man's pocket. He promptly fined the corpse $40 for carrying a concealed weapon. It should be noted that rarely – if ever – did Pecos County or the State of Texas collect their full due from fines levied by the court in Langtry.

Yet it would be a mistake to say that he wasn't just, and his justice was based on the practical. When three crooked gamblers swindled a stagecoach driver out of both his and the company's money and property, Roy made them return everything, slapped them with exorbitant fines, and ran them out of town. Once when a man was caught stealing horses, Roy weighed the odds. The horses had been recovered. No one was hurt. To send the man to Fort Stockton for trial would draw Rangers away from their duties in the railroad camps. Would witnesses go to Fort Stockton? He gave the horse thief a dressing down, and ordered him to leave the area.

Rarely did anyone question Judge Roy Bean's rulings. If they did, the reaction was swift, and established, on no uncertain terms, who ran the show. In one instance, when an attorney presumed to argue, Roy turned to the senior Ranger present and asked, "What are your orders here?"

"To stand behind you in everything you say," the Ranger replied.



Judge Roy Bean (white beard) stands in front of his Jersey Lilly saloon where he held court in the 1890s. With him is Texas Ranger Capt. John R. Hughes (left with two pistols in waistband), who won the name "Border Boss" for his enforcement of the law in the Trans-Pecos region of Texas. (Texas State Library and Archives Commission)

"What would you do if I told you to take this fellow out and hang him?"

"I'd take him out and hang him."

The lawyer complained to higher authorities, but it did little good, because the higher authorities themselves often were confounded by the goings-on in the courtroom at the Jersey Lilly. As justice of the peace, Roy had the legal authority to perform weddings, but not to grant divorces. He did anyway, and when told that only the district court could grant a divorce, he retorted that in most cases he had married the couple getting a divorce, and that a man ought to be able to "rectify his own mistakes."

Roy never hanged anyone, although he frequently threatened to do so. A death sentence was entirely beyond the legal scope of a justice of the peace, and his ability to bend (or ignore) the law was based on his shrewd assessment of how far he could bend (or ignore) it.

Despite his quirks and monumental flaws of character, Judge Roy Bean did much to bring stability to a lawless region. If he designed the law to suit himself, nevertheless, he represented the growing demand in the West for legitimate authority. Even before he assumed the gavel in the Pecos River country, farther east the citizens of DeWitt County demonstrated they had had enough of the Taylor–Sutton Feud. The breaking point came with the apparently pointless murder of Dr. Phillip Brassell and his son, George, on the night of September 19, 1876. Public outrage was such that it was no longer safe to proclaim allegiance to either the Taylors or the Suttons. Murder indictments were returned against seven members of the Sutton faction, including two deputy sheriffs, and on the night of December 22, the Rangers interrupted a wedding celebration and took them into custody.

In their usual fashion, attorneys prepared motions, expecting to intimidate the presiding judge into dropping the charges. In this instance, however, they came up against Judge H. Clay Pleasants, who was determined to end the feud. When court convened, Rangers at the door disarmed every spectator, and three Rangers, carbines cocked and ready to fire, stood by the bench.

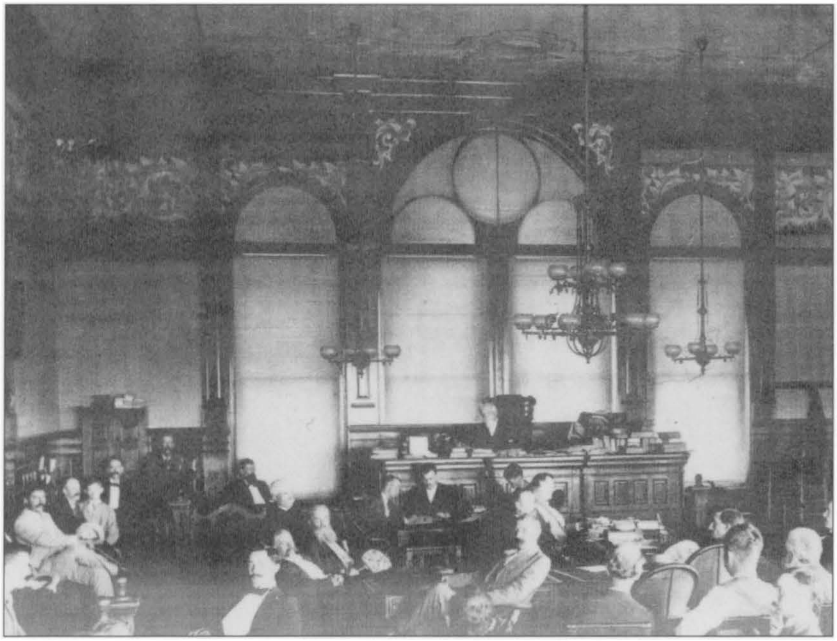
"This county," Judge Pleasants began, "is and has been for years a reproach to the fair name of the State of Texas. Over it have roamed bands of lawless men, committing terrible outrages, murdering whomever met their disdain, shooting down men from ambush in the most cowardly manner possible." Even some of the spectators in the courtroom "long ago should have been hanged," the judge thundered.

The Rangers, Pleasants continued, would remain in DeWitt County until peace returned. Meanwhile, he said, "I shall send these men at the bar to jail to await trial for as wicked and cowardly a murder as ever disgraced this State. It is but the beginning. Others will soon follow them. The reign of the lawless in DeWitt County is at an end!"

Because of legal maneuverings beyond the jurisdiction of the local court, the case dragged on for years, and, ultimately every defendant went free. Nevertheless, as Pleasants noted, it signaled the beginning of the end.

If Pleasants' jurisdiction was limited, the authority of Isaac C. Parker, United States Judge for the Western District of the Arkansas, was absolute. His judicial seat at Fort Smith, Arkansas, was an anomaly. It was created by act of congress in 1851, with jurisdiction over the nine counties of northwestern Arkansas, with the adjacent Indian Territory attached to it for judicial purposes. Within the Territory were the Five Nations, eastern tribes, that had been relocated in the 1830s. Although the Nations had a highly developed legal system on the white model, and Indian courts had jurisdiction over their own citizens, their authority over non-Indians was vague. Thus the Nations became a refuge for some of the worst elements of society. The creation of the Western District was designed to address that problem.

Parker, who held the position from 1875 almost until his death in 1896, was known as the "hanging judge," because of the large number of people he sent to the gallows. Yet he was a competent jurist and former member of congress who, personally, could be compassionate. The problem existed less with Parker than with the law itself. There was no appeal of capital convictions in any federal court until 1889. Thus, the only avenue for the condemned was clemency from the president himself. Additionally, until 1897, federal law mandated the death penalty for murder and rape in federal jurisdictions. Nevertheless, Parker, who was required to rule accordingly, and who presided over one of the most lawless jurisdictions in the United States, has been



Not even 60 but aged by diabetes and his heavy caseload, "Hanging Judge" Isaac C. Parker presides over his court in 1894. Far from being the bloodthirsty psychopath portrayed in pulp fiction, he was a no-nonsense jurist who had no qualms about imposing the penalties mandated by federal law. Yet he also advocated prison reform, saying he was loath to imprison a person in an institution where he could not receive adequate food, education, and the opportunity to reform. Many convicts, upon their release, returned to Fort Smith to thank Parker for his efforts. (Fort Smith National Historic Site, Arkansas)

unfairly branded as a bloodthirsty sociopath who sent men to the gallows without a second thought.

Interestingly enough, as one of his biographers, Michael J. Brodhead, has pointed out, Parker tried very few capital offenses. Most involved liquor violations, horse theft, timber poaching, assault, and manslaughter (a non-capital offense). Of those he did sentence to death, fewer than half actually were executed. And, on occasion, Parker himself interceded with the president for clemency. Even so, when dealing with a heinous offense, he could come down on the criminal like an avenging angel, and hand down a death sentence without the slightest qualm.

When Parker gaveled his court to order on May 10, 1875, Arkansas was recovering from the carpetbag rule of Reconstruction, and the Western Judicial District was particularly notorious for its graft and corruption. Parker, who received his appointment in part because of his unequivocal support of the Grant Administration, was viewed as simply another carpetbagger. As he saw it, his job not only was to establish his own credibility, but to restore dignity and honor to the system. The day he and his family arrived, he told his wife, "We are faced with a great task. These people need us. We must not fail them."

He began by raising the woefully undermanned force of deputy marshals up to their eventual number of 200, more than any other state or territory. He knew they had to be tough, and he tried to keep them honest. He summoned reluctant witnesses, ordering that they be paid their expenses in cash. He reopened old cases, and worked to reduce the backlog left by his indifferent predecessors. It took time, but by the end of his first year in office, he had won over most of his skeptics.

Parker justice became evident from the beginning. During the Civil War and Reconstruction, the court had paid very little attention to crime in the Indian Territory, and showed partiality in its sentencing. The seven men who went to the gallows in the two years prior to Parker's arrival were all Indian or part-Indian. Now, the hand of justice extended to the Territory, and to whites as well. On September 3, 1875, six men – three whites, two Indians, and a black – mounted the gallows for offenses committed in the Territory. In sentencing them to death, Parker had lectured them in biblical tones, concluding with, "Farewell forever until the court and you and all here today shall meet together in the general resurrection." There is no evidence, however, that he wept after delivering death sentences, as persistent legend claims.

Initially, eight men had been condemned. One, Frank Butler, was shot in an escape attempt. Another, Oscar Snow, received a commuted sentence from President Grant because of his youth, and was later pardoned. The other six, Daniel Evans, William J. Whittington, James Moore, the appropriately named Smoker Mankiller, Samuel Fooy, and Edmund Campbell, all mounted the gallows set against the stockade wall of the former military post of Fort Smith. Six was as many as the gallows would accommodate, and a replacement built in 1883 could hang 12 at a time. But six was the most ever hanged in a single execution at Fort Smith, and only once more, in 1890, did that occur. Normally, they plunged into eternity in groups of two to five.

A hanging at Fort Smith was a major social event that drew people from miles around. In this instance, four preachers led the crowd and the condemned in prayer and hymn-singing. Most of the condemned had only a few words to say, and Evans said nothing at all. Whittington, however, rose to the occasion with a prepared statement that one of the preachers read. He blamed his fall on the example set by his alcoholic father. Having himself taken to drink, he had killed his best friend in a drunken rage.

"Oh!" he concluded. "That men would leave off drinking altogether. And, O, parents, I send forth this dying warning to you today, standing on the gallows: Train up your children the way they should go. My father's example brought me to ruin. God save us all! Farewell! Farewell!" As the trap was sprung, he shouted, "Jesus save me!"

Parker's deputies had a dangerous job. During his tenure, 65 would die in the line of duty. For safety, they worked in teams of four or five, spreading out over the Territory. They frequently encountered resistance or at least suspicion, because the people they met had good reason to resist. They were also unpopular because they took witnesses into custody on the spot, and transported them back to Fort Smith, to be certain they were available when the judge needed them. This, at the very least, was annoying, and there was always the possibility of reprisal when the witnesses returned home. Shootouts were unavoidable, but deputies shot to wound, rather than kill. This did not rise out of humanitarian motives, but a live prisoner brought a two-dollar arrest fee, while a corpse usually brought nothing.

Parker's burden was awesome. During his 21 years at Fort Smith, he tried more than 13,000 cases. In 1883 Congress reduced the load by severing the western Indian Territory from his district, but this was partly in response to the outcry in the Eastern press over the multiple public hangings. While he retained jurisdiction over the Nations, the western part of the Territory was split between federal judicial districts in Texas and Kansas. Then, in 1889, the Supreme Court was given authority to review capital cases from all federal jurisdictions. Parker was furious,

One of the old military buildings at Fort Smith served as courthouse and jail from 1872 to 1890, when the court moved to this more modern structure. Today, the federal court resides in the Isaac C. Parker Federal Building in Fort Smith. (Fort Smith National Historic Site, Arkansas)

because he believed legal machinations would overturn some of his convictions, and dilute some of his sentences. This, he contended, impeded justice and encouraged crime. "I have no objection to appeal," he remarked. "I even favor abolition of the death penalty, provided that there is a certainty of punishment, whatever the punishment may be, for in the uncertainty of punishment following crime lies the weakness of our halting justice." Over the next seven years, defense attorneys found numerous technicalities that overturned an increasing number of his convictions and sentences. The final blow, however, came in 1896, when Congress removed the Territory entirely from his jurisdiction, restricting him to the counties of western Arkansas.

Parker, meanwhile, was wearing out. Although he was aged only 57, he looked as if he were in his seventies. He was bedridden from exhaustion and severe diabetes on September 1 when the law took effect, and was spared the indignity of hearing his clerk declare the court adjourned forever. He outlived his court by only two months.

In sentencing a person to death, Judge Parker followed the custom of ordering the condemned to be "hanged by the neck until you are dead, dead, dead." Far from being melodramatic, "dead, dead, dead" had a specific legal purpose. If the rope had too much stretch and the victim hit the ground, or if it broke, he could claim the sentence had been legally executed and appeal to double jeopardy. The triple "dead" gave the judicial jurisdiction three attempts.

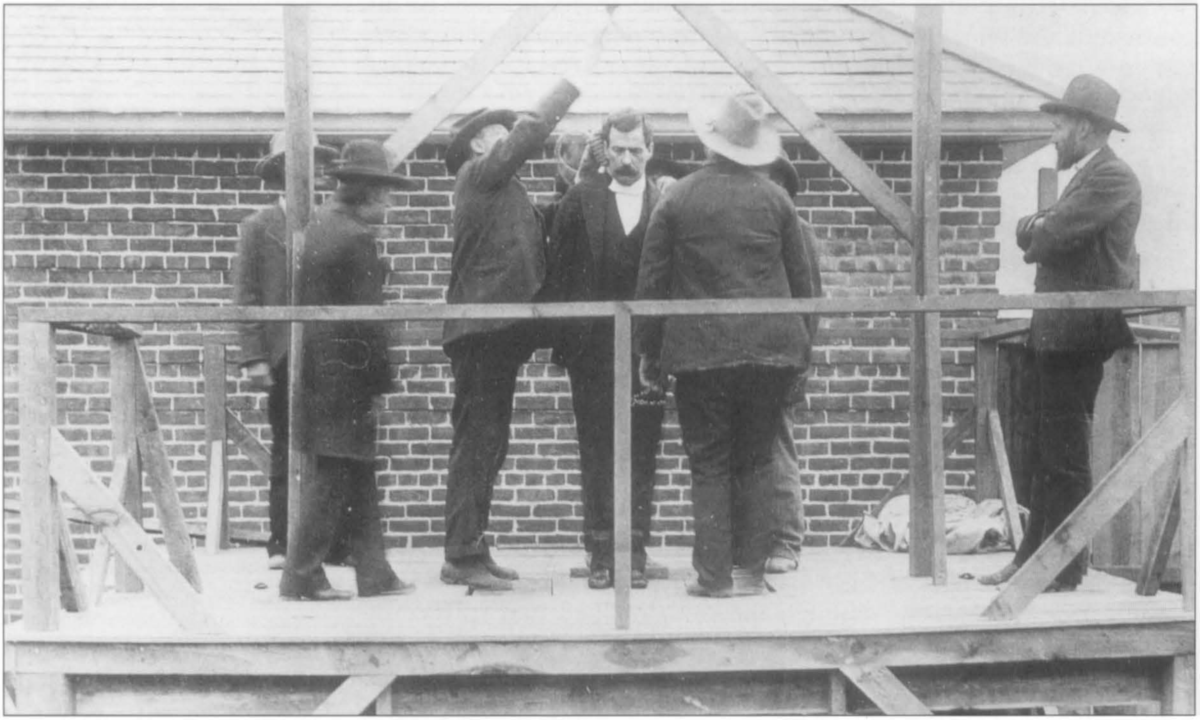
In the early years of Parker's tenure, various people operated the Fort Smith gallows. In the mid-1880s, however, the job of chief executioner fell to German-born George Maledon, who moved into the position from jail guard. Although the press dubbed him "prince of hangmen," Maledon regarded himself as a technician, performing a function mandated by law. Asked if he was bothered by the ghosts of his victims, he affably replied, "No, because I reckon I hanged them, too."

Maledon's ropes were custom made in Missouri, and he used them only once. He prepared them by pre-stretching them, to avoid bouncing the victim around, or the possibility that stretching during the execution might cause the victim to hit the ground. Once the stretch was out of them, he coated them with resin to keep them in place. When he hanged someone he folded the rope back and forth over the gallows beam so that it would play out evenly. The noose was placed with the knot under the jaw just below the ear, to lever the head sidewise and snap the neck instantaneously. He devised a table to calculate the necessary drop according to weight and build. Too short a drop would fail to snap the neck and cause slow strangulation. Too much would tear off the victim's head.

Not everyone was as careful as Maledon, and executions could be messy affairs. A case in point was the bungled execution of Thomas "Black Jack" Ketchum. Ketchum spent most of his career in New Mexico, where he was born about 1866. While not a dandy, he was well-dressed and well-groomed, giving the impression of a rising businessman, although in fact he was a cowboy and a drifter. The Pinkerton files indicate he was a psychopath; if a plan went wrong through his own mistakes, or if he was jilted by a woman, he would beat himself over the head with his revolver or a rope as punishment. This quirk is documented by witnesses, but another Pinkerton entry, describing him as a leader in Butch Cassidy's Wild Bunch, is doubtful, although Black Jack rode with some of the lesser members.

In 1899, he put together a gang consisting of his brother, Sam Ketchum, Elza Lay, a member of the Wild Bunch, and an undistinguished badman named G.W. Franks, and embarked on a series of robberies of the Colorado & Southern Railroad, the same train four

Thomas "Black Jack" Ketchum calmly stands on the gallows as he is prepared for execution for train robbery in Clayton, New Mexico, on April 26, 1901. In measuring the drop, the executioners failed to consider that Ketchum's body would be off-balance because he had lost an arm from a gunshot wound, and that he had gained considerable weight while in jail. (Photo by W.A. White. Courtesy New Mexico History Museum, Neg. No. 128886)

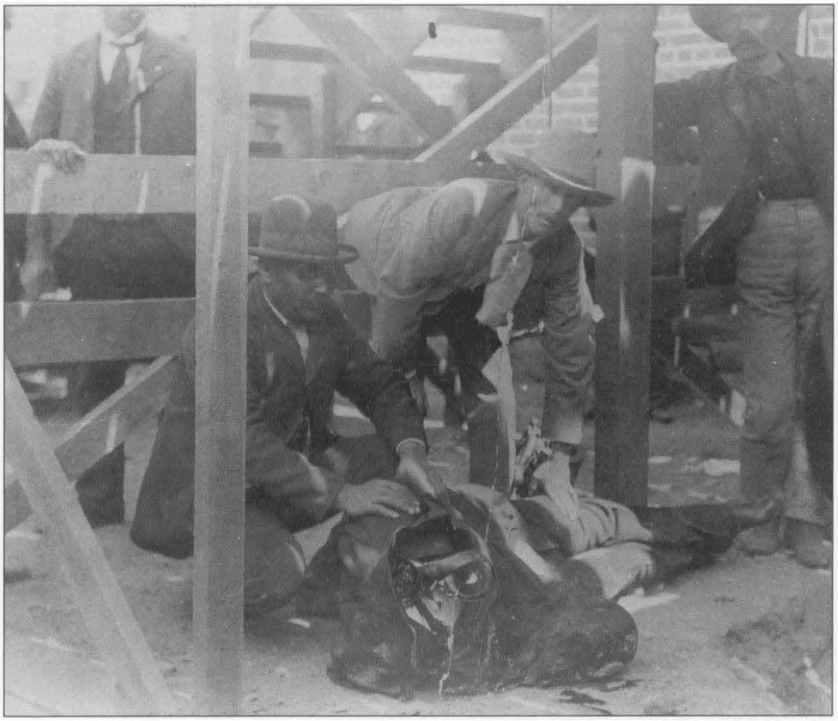


times, always at Twin Mountain. The lack of imagination was such that railroad detectives and lawmen had no trouble establishing a pattern, and cornering the gang in a canyon near Cimarron, New Mexico, in July 1899. In the ensuing fight, Sheriffs Edward Farr of Huerfano County, and W.H. Love of Cimarron County were killed. Elza Lay was captured, but Black Jack, Sam, and Franks got away. Black Jack, however, was badly wounded and, unable to travel fast, was captured.

A few days later, Sam tried yet another holdup at Twin Mountain, and the conductor blew his arm apart with a shotgun blast. Sam was captured, and the arm amputated, but blood poisoning set in and he died.

In September 1900, Black Jack was convicted in Clayton, New Mexico, of the murder of Sheriff Farr and sentenced to hang. The sentence was carried out on the morning of April 25, 1901, under the supervision of an inexperienced sheriff who had allowed for too much counterweight and too much of a drop. Unaware of the clumsy arrangement, Black Jack remarked, "I'll be in hell before you start breakfast, boys." Then he plunged through the trap. The rope gave a horrible jerk and tore his head off.

While Black Jack might have been the extreme case, the efficiency of executions was so erratic that ultimately, state legislatures intervened, requiring the counties to send all condemned prisoners to the state penitentiaries which conducted executions under standardized supervision. Ironically, in Texas at least, death row inmates in the state prison system remain county prisoners rather than state prisoners, maintained at county expense, and with the county being billed for the execution. And because they are county prisoners, unclaimed bodies of executed prisoners are buried separately from state prisoners in the prison cemetery on Peckerwood Hill in Huntsville.



Ketchum's severed head, still in the black hood, lies by his body on the floor under the gallows immediately following the hanging. Because of the badly calculated drop, the rope decapitated him when it pulled taut. Such bungled local executions eventually prompted western states to centralize them in the state penitentiaries. (Photo by W.A. White. Courtesy New Mexico History Museum, Neg. No. 46084)

In 1903, Thomas A. Edison released his movie, *The Great Train Robbery*. Although only ten minutes long, it was the first motion picture to tell a story, rather than show a series of vignettes. And it was a Western, the prototype for all Western movies to follow.

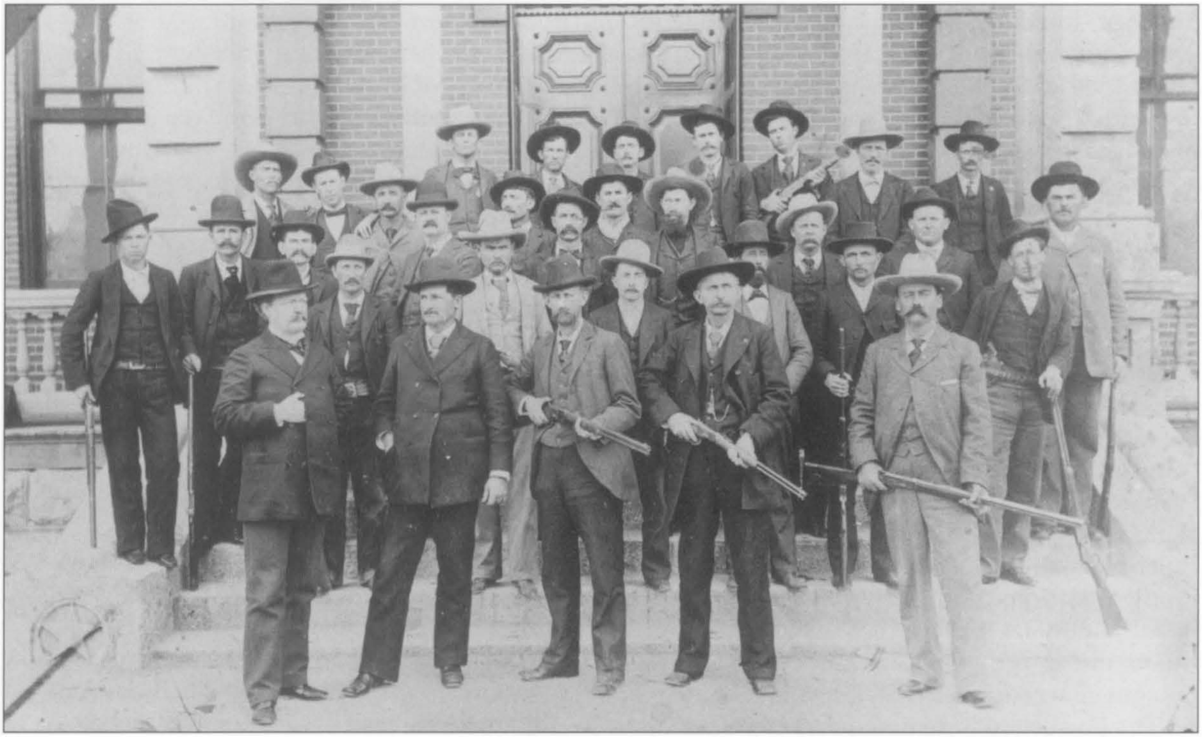
Ironically, *The Great Train Robbery* was released only two years after Butch Cassidy's Wild Bunch pulled their last train robbery, making off with $40,000 from the express car near Wagner, Montana, on July 3, 1901. Cassidy, whose real name was George Leroy Parker, was the last of the great western gang leaders. Born to a devout Mormon family, he nevertheless turned to a life of crime, having been taught cattle rustling and horse theft by Mike Cassidy, who worked as a cowboy on the family ranch south of Circlesville, Utah. Parker later adopted the alias of Cassidy in admiration for his mentor.

Butch Cassidy first gained notoriety as a member of a gang of bank and train robbers headed by Bill McCarty, a man rumored to have been a veteran of the James gang. Later, he struck out on his own, but in 1894, he was arrested and convicted of horse theft, and sent to the Wyoming State Penitentiary at Rawlings. After 18 months of good behavior, Governor William A. Richards offered him a pardon on condition that he would reform. Butch frankly told the governor that was impossible, but did promise never to commit a crime in Wyoming again.

As Butch had foreseen, the path to crime was irresistible. Eventually, he teamed up with Harry Longbaugh, who went under the alias of the Sundance Kid, and they formed the Wild Bunch. Although they gained notoriety as holdup men, stock thieves, and bank robbers, they also were scrupulous in their effort to avoid casualties. For all his misdeeds, Cassidy was basically a kind person, who took pride in the fact that he had never killed a man. He also sought advice from members of the gang on any plans.

For a while, Butch kept his word to Governor Richards, limiting himself to Colorado, Utah, Idaho, Nevada, New Mexico, and Arizona. But eventually, the Wild Bunch turned to trains, and Union Pacific ran through Wyoming. At 2.30am on June 2, 1899, they pulled their first train job, stopping the Overland Express with a false warning light near Wilcox, Wyoming. After uncoupling the express car, they tried to force it open with dynamite. The car blew open without injuring the guard, but the safe proved too strong. An additional dynamite charge blew open the safe, but sent the paper money flying through the air. The gang gathered up $30,000 and fled.

The Pinkerton Detective Agency chased the gang, distributing flyers with photographs and lengthy descriptions. A substantial file was built with a complete background on Cassidy, Sundance, and every other member of the gang for whom information could be obtained. After three more train jobs, Union Pacific took matters into its own hands, offering to let bygones be bygones, with a well-salaried position for Butch as an express guard. He was having too much fun, however, and declined, so Union Pacific hired a team of riflemen and provided them with a high-speed train.



Every available Texas Ranger from all four companies assembled in El Paso in 1896, to stop a prizefight being held in violation of both Texas and Mexican law. The group includes (front, left to right) Adjutant General W.H. Mabry, who commanded the Rangers, and Captains John R. Hughes, J.A. Brooks, William J. McDonald, and J.M. Rogers. Rogers, a devout Presbyterian, taught Bible classes, and did not smoke, drink, or swear. The fight was held on a sandbar in the Rio Grande, unclaimed by either jurisdiction. (Texas State Library and Archives Commission)

Cassidy decided not to press his luck. Together with Sundance, and the latter's paramour, Etta Place, he departed for Buenos Aires. Over the next ten years, the two introduced South America to Western-style hold-ups. Eventually, Etta tired of life on the run in a strange continent, and returned home, where she disappeared from history. The fate of Butch and Sundance remains a mystery. Supposedly, they were gunned down in a fight with troops, either in Uruguay or Bolivia. More likely, however, they returned home and retired. Cassidy's much younger sister in Utah insisted that he occasionally visited her as late as the 1930s.

The Pinkerton Detective Agency

The Pinkerton National Detective Agency, which chased Butch and Sundance, was founded by Allen Pinkerton, a Scots Chartist and social revolutionary who fled to the United States to avoid arrest in 1840. Settling in Illinois, he was active in the abolitionist movement. Eventually, he was appointed the Chicago Police Department's first detective, establishing a reputation throughout the Midwest for crime solving. Leaving the police in 1850, he organized Pinkerton's North Western Police Agency, which soon evolved into the Pinkerton National Detective Agency. The agency's emblem, "the eye that never sleeps," gave rise to the expression "private eye" for a private detective. The agency's reputation brought it increasingly wealthy clients.

During the Civil War, Pinkerton personally served as the Army of the Potomac's head of secret service. After the war, the agency provided security for railroads, banks, mine, express companies, and other corporations that were instrumental in national expansion. In Pinkerton's first venture against Western outlawry, his agents broke up the Reno Gang. Then, in 1866, when Jesse and Frank James began their rampage, the detectives, now known as "Pinkertons," took to the field again, and eventually spent 16 years trying to chase down the gang.

By 1880, Pinkerton National was the largest private police agency in the world. Nevertheless, its support for big business, and its methods – questionable even in the relatively tolerant 19th century – created a distaste for the agency in the public mind. In one particularly notorious incident, Pinkertons besieging the home of Mrs Zerelda Samuel, mother of Frank and Jesse James, threw what they contended was a "flare" into the house. In the explosion that followed, Mrs. Samuel lost her right arm, and Jesse and Frank's young stepbrother was mortally wounded.

So touchy was Pinkerton National about its image, that in the first decade of the 20th century, when undercover agent Charles Siringo attempted to published his memoir of 22 years with the agency, the company sued. After two years of litigation, an agreement was reached. Siringo's book, *A Cowboy Detective,* was released in 1912 with names changed. The agency itself became the Dickenson Agency. His supervisor, James McParland, a former undercover man who had broken up the notorious Molly Maguires of the Pennsylvania coal country, was called James McCartney. And Tom Horn, a former Pinkerton operative whom the image-conscious agency allowed to go to the gallows on dubious charges rather than intervene, became Tom Corn.

The Pinkertons were precursors of the era of the professional lawman in the West. Just as Judge Lynch had passed his gavel to real judges enforcing real legal codes, so the badge-toting gunfighter gave way to the full-time peace officer. Perhaps most representative of this new era were the "Three Guardsmen" of Oklahoma – Andrew "Heck" Thomas, Christian Madsen, and William Tilghman. Initially these three men were recruited by Evett D. Nix, U.S. marshal for Oklahoma Territory, to capture Bill Doolin's gang of train and bank robbers. Thomas and Madsen were experienced lawmen, having already served as deputy marshals under Judge Parker. Tilghman, who had been a peace officer in various jurisdictions in Kansas and Oklahoma, was the newcomer. Nevertheless, the three men became friends, and, coordinated by Nix, each worked a section of the Doolins' known haunts.

Although slightly built, rheumatic, and ordinary looking, Bill Doolin had a well-deserved reputation as "King of the Oklahoma Outlaws." He had ridden with the Daltons, and only a lame horse had spared him from sharing their fate in the bungled twin bank holdup in Coffeyville, Kansas, which had resulted in the death of every member except Emmett Dalton. "Doolin had suffered no wrongs to avenge and had no call to be an outlaw aside from that of the dare-devil spirit within him," Tilghman's widow later wrote,. "He liked the wild life and he was not warned by the fate of the Daltons."

Doolin was wily. When the trail grew too hot, he would lie low. In December 1895, however, Tilghman tracked him to the health resort of Eureka Springs, Arkansas, where Doolin

Tom Horn was a well-regarded army scout during the final Apache wars, who later became a stock detective in Wyoming. In a case that remains controversial, he was convicted and hanged in 1902, for the murder of the 14-year-old son of one of his employers. (Wyoming State Archives, Department of State Parks and Cultural Resources)

had gone to take the cure for his rheumatism. The badman was sitting in a bath house, reading a newspaper, when the deputy marshal walked in and pulled a revolver. Doolin started for his gun, but changed his mind and surrendered. Tilghman telegraphed Nix, "I have him. Will be home tomorrow."

Doolin sat in jail for six months, awaiting trial in the territorial capital at Guthrie. On the night of July 5, however, he escaped. Heck Thomas knew that Doolin's wife lived in Lawson, Oklahoma, and sooner or later he would contact her. He arranged with two blacksmiths who knew the family to keep an eye on her. On August 23, Edith Doolin loaded a covered wagon with all the effects necessary for relocation, and then took her horses to the blacksmith shop to have them reshod. Word was sent to Thomas, who arrived about 2pm the next day, and formed a posse of his own people and local citizens.

Thomas staked out a store slightly out of town, where Doolin was suspected to be hiding. He learned that Edith had already discovered she was being watched, and they suspected Doolin would be especially careful. They waited until after midnight, when they saw Doolin come out of the stable behind the store, and start down the road toward them, leading his horse, and with his Winchester rifle held well in front, ready to shoot. Thomas yelled at him. Almost simultaneously, one of the posse yelled from the opposite side of the road. Doolin fired twice at Thomas as the posse opened fire. He dropped the rifle and drew his pistol, and may have gotten one shot off before he went down with a blast from Thomas's shotgun. The body had 21 holes in it. Doolin was taken back to Guthrie, where Thomas filed for reward money. Eventually, he collected $1,435 from Wells Fargo, and various government agencies, which he divided among his posse.

As Paul Trachtman noted in *The Gunfighters,* Doolin's death demonstrated the value of a coordinated effort by peace officers. Equally important was the assistance from members of the community, which showed that citizens were no longer willing to tolerate lawlessness.

Sometimes, citizens felt the vengeance of the badmen. When Chris Madsen was hunting the vicious Casey gang, he relied on information

DICK'S-PLACE.
MEAT MARKET

Cowboys show off with their guns for the photographer at Fort Fetterman, Wyoming. Although this scene was staged, Fort Fetterman was a rough town that played a part in the Johnson County War, and served as a model for the fictional town of Drybone in Owen Wister's novel, *The Virginian*. (Wyoming State Archives, Department of State Parks and Cultural Resources)

provided by Lute Houston, who once had befriended them, and knew their hideouts. The Caseys, however, learned he was an informant, and one night stopped by his house, and asked him to ride off with them on some pretext. Several days later, Madsen received a letter from the Caseys telling him where he could find Houston. They had hanged him. Within three days, though, the Caseys were killed in a fight with a posse.

Throughout the remainder of his long and distinguished career, Bill Tilghman served variously as sheriff, chief of police for Oklahoma City, and state senator. He also dabbled in show business, with a road show and motion pictures depicting his exploits. In September 1924, he was approached by his old friend, Evett D. Nix, and representatives of the Cromwell, Oklahoma, Chamber of Commerce. Cromwell was a rough oil patch town, beyond the control of the local deputy sheriffs. Nix and the chamber asked Tilghman to become city marshal. The old lawman was 71; his wife, Zoe, was almost 40 years his junior, and they had two young sons. Nevertheless, he accepted and went to Cromwell. Initially, he had four deputies, but eventually they all quit, leaving him to handle the town alone. On November 1, Tilghman and a friend heard shots fired on the street, and went out to investigate. They encountered Wylie Lynn, a federal Prohibition agent who, ironically, was intoxicated. Tilghman grabbed Lynn while his friend wrenched the gun away. But when the marshal released his grip, the federal agent pulled a second gun and fired, mortally wounding him.

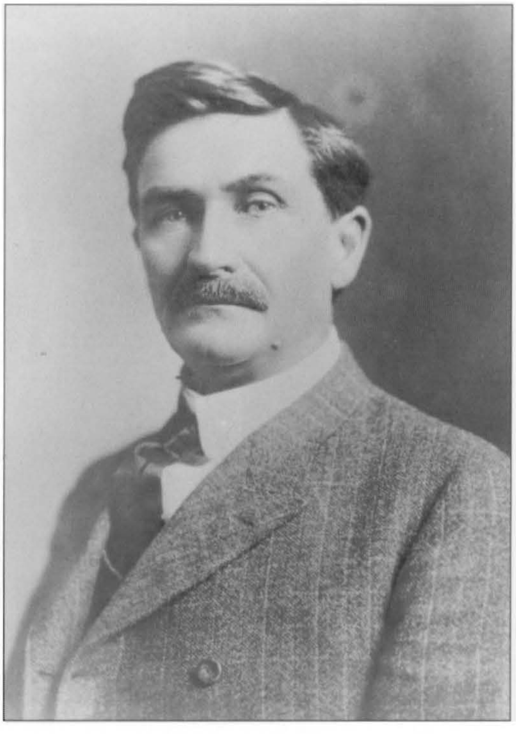
Tilghman was given a state funeral. His body lay in the capitol in Oklahoma City, while the flag overhead flew at half-staff. His death marked the end of the classic Western lawman, although some already had made their exits.

Doc Holliday's tuberculosis finally claimed him at the health resort of Glenwood Springs, Colorado, on November 8, 1887. Virgil Earp died in Portland, Oregon, in 1905. Wyatt lived the longest, dying in Los Angeles in 1929. Shortly before his death, he worked extensively with Stuart Lake, who was writing his biography. Wyatt embellished, Lake fabricated, and when the book, *Wyatt Earp, Frontier Marshal*, came out in 1931, Josephine Earp charitably described it as "blood and thunder." Nevertheless, it has served as the basis of the Wyatt Earp image in motion pictures and television.

Like Tilghman, Pat Garrett was assassinated. It was February 28, 1908, and he was sharing a buggy with business associate Carl Adamson for the four-hour ride between the Garrett Ranch and Las Cruces, New Mexico. En route, they fell in with Jesse Wayne Brazel, who had leased some Garrett property. A quarrel had ensued over the terms, and Garrett and Brazel were barely on speaking terms. Adamson halted the buggy, and both he and Garrett got out to urinate. Garrett was answering nature's call when a bullet slammed into the back of his head. Several men were suspected, but only Brazel went to trial and he was acquitted.

Bat Masterson perhaps had one of the most unique endings for a gunfighter-lawman. As deft with a pen as

Although best known for killing Billy the Kid, Pat Garrett's long life of public service included a warm association with President Theodore Roosevelt among others. John N. Garner, vice-president under Franklin D. Roosevelt, called Garrett "an honorable, honest, patriotic American." (Courtesy New Mexico History Museum, Neg. No. 47632)



with a handgun, in 1903, he accepted a job with *The Morning Telegraph,* a New York newspaper. Finally he had found his true place in life. He liked New York and was disillusioned with the West, so much so that in 1904, he turned down President Theodore Roosevelt's offer of a U.S. marshal's position in Oklahoma. A year later, however, he did accept a deputy marshal's post for the Southern District of New York, holding the position until 1909, when the new administration of President William Howard Taft saw fit to dismiss him. Back at *The Morning Telegraph,* he settled in and enjoyed himself, regaling the paper's young motion picture editor, Louella Parsons, with stories of the West. On October 25, 1921, he was at his desk working on his column. He was suffering from a cold, and one of his colleagues asked how he was feeling. "All right," Bat replied, and continued writing. A few minutes later, he slumped over his desk and died.

Chris Madsen was one of the longest-lived, dying in 1944. If Tilghman's death ended the classic lawman as a type, Madsen's ended the era.

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COLOR PLATE COMMENTARY

PLATE A: THE MCCANLES FIGHT, 1861

It is June 12, 1861, and James Butler Hickok, who later would be called "Wild Bill," guns one of the David McCanles's gang in a fight at Rock Spring Station, Nebraska. The fight, blown completely out of proportion by *Harper's Weekly*, would turn Hickok into a national celebrity. Hickok killed McCanles and wounded two of his accomplices, who were finished off by Hickok's friends in the background. Hickok was only 24, and this portrait is based on one of his earliest known photographs: he did not yet sport the long, flowing locks, drooping moustache, and buckskins for which he became famous. Instead, he is dressed in a double-breasted shell jacket, and flannel shirt and trousers. He does, however, fire his trademark Colt's Navy Revolvers, which he carries reversed on his gun belt. His opponent has a close-framed Remington revolver. Both men carry different styles of Bowie knives in metal-mounted leather sheaths on their belts. The boots have low heels. The distinctive, high-heeled "cowboy boot" evolved after the Civil War, when conventional boots were found to hang in the large Western stirrups, creating a danger of riders being dragged to death.

PLATE B: THE "HANGING JUDGE" OF FORT SMITH

Six men hang from Judge Isaac C. Parker's gallows at Fort Smith, Arkansas. Black hoods cover their heads, and the knots are placed at the curve of the jaw behind the left ear to lever the head sideways and instantaneously break the neck. Their legs are tied together for sanitary reasons; when the neck snapped, the sphincter muscle relaxed, causing the victims to lose all bowel control. Parker (**B1**) is shown with the executioner, George Maledon (**B2**), and killer Crawford Goldsby (**B3**), also known as "Cherokee Bill," who was hanged at Fort Smith on March 17, 1896.

Judge Parker never attended the hangings; he merely sentenced offenders according to penalties prescribed under federal law. Executions were the responsibility of the U.S Marshal's Office, and Parker generally was hearing cases when they occurred. Over six feet tall and muscular, he is shown in a business suit of the period, black, with frock coat, vest, trousers, and necktie, white shirt, and watch chain.

Known as the "Prince of the Hangmen," German-born George Maledon, started as a guard at Fort Smith before becoming executioner. A thorough technician, he had his ropes custom-made, always pre-stretched them, and used them only once. He calculated the drop of each victim according to their weight. As befits the United States executioner (and Maledon was an employee of the federal government), he is wearing a dark suit. He wears two revolvers, reversed. In his left holster is a Colt's Single Action Army, and on the right, Colt's Frontier Model 1878.

In sentencing Goldsby, Parker described him as "most ferocious monster." Bill, who was just five weeks past his 20th birthday when he was hanged, began his career of murder at 14, when he killed his brother-in-law. Although the number of his victims may be overstated, there is no question he was a killer. Parker initially sentenced him to hang in February 1895. But while awaiting execution, Bill killed guard Lawrence Keating in an escape attempt, and was sentenced to hang for that murder as well. His features show his mixed origins: his mother was half-black, one-quarter Cherokee and one-quarter white. His father was a mix of Anglo, Mexican, and Sioux. This rendering is taken from a photograph taken in jail, and shows Bill in striped trousers, coat, vest, white shirt, and scarf. His wide-brimmed hat is blocked into the popular "Montana peak." Like Parker and Maledon, he is wearing shoes, rather than boots.

PLATE C: BUTCH AND SUNDANCE

The Wild Bunch – George Leroy Parker (Butch Cassidy, **C3**), Harry Longbaugh (the Sundance Kid, **C1**), and Longbaugh's paramour, Etta Place (**C2**) – are shown in front of a Union Pacific express car, with a group of Pinkerton detectives hired by the railroad to hunt down Cassidy's gang. Among the last of the classic Western hold-up men, the Wild Bunch was robbing Union Pacific trains even as Thomas Edison was making the first film "Western," *The Great Train Robbery*, in 1903. The Pinkertons in the background are dressed variously in suits and ties and trail gear, as would have been typical of a group of men in their profession at the time. One wears a draw "boater" hat, and three have the "Montana peak," all popular in that era. The horses are stripped of all unnecessary equipment to allow fast movement. The Pinkertons are, from left to right, George Hiatt, Titi Kelliher, Jo Lefors, Jeff Carr, H. Davis and Si Funk.

In the foreground, both Parker and Longbaugh are depicted in suits they wore for a studio photograph taken in Fort Worth, Texas, in 1901. They would not have dressed this way on the trail. The only concession to their profession is the riding boots and gun belts, neither of which appear in the photograph. Otherwise, they would appear as ordinary businessmen, complete with bowler hats and watch chains. As a joke, they sent a copy of the photograph, along with a thank-you note, to a bank they recently had robbed in Winnemucca, New Mexico. Parker sits on a blown-out express safe, holding a Winchester rifle. Longbaugh is wearing a Colt's Model 1873.

Like Butch and Sundance, Etta is depicted in smart clothes. Pinkerton's description of Etta was "appears to be the refined type." She may have been a school teacher, but this is not known for certain. She was not known to have dressed for the trail or wear a gun belt. The skirt and blouse are loose, flowing type, conducive to riding on a Western saddle. Etta was born about 1878, which would have put her in her early twenties when she took up with Longbaugh. Her ultimate fate is uncertain, although she is believed to have tired of the bandit life in South America and returned to the United States. Longbaugh is said to have accompanied her to New York and then to Denver before rejoining Parker in South America. It should be noted that both holsters slide onto the gun belts. The "buscadero" holster, which attaches to the gun belt, was a 20th-century innovation, primarily for Hollywood.

Major Frank E. Wolcott, a former army officer, headed a band of wealthy absentee landowners who were determined to drive out the small, independent ranchers from Johnson County in northern Wyoming. The angle of his head is not a pose, but caused by a permanently twisted neck after a brawl with a cowboy in Laramie, Wyoming. (Wyoming State Archives, Department of State Parks & Cultural Resources)

PLATE D: THE O.K. CORRAL FIGHT

The Earps and Doc Holliday take on the cowboys in perhaps the bloodiest 30 seconds in the West. When the shooting ended, the cowboys, Billy Clanton, and Frank and Tom McLaury were dead or dying, Morgan and Virgil Earp were seriously wounded, and Doc Holliday slightly injured. There is no record of the types of handguns that were used, and later, Wyatt apparently couldn't remember what he carried. Sometimes he said it was a Colt, and others, a No. 3 Smith & Wesson. The more common and more likely was the Colt, and that is what is represented with all handguns here. The

Joseph Isaac (Ike) Clanton was the prime instigator of the O.K. Corral fight. But when the shooting began he was unarmed and ducked into a nearby building, leaving his brother, Billy, and the McLaury brothers to deal with the Earps and Doc Holliday (Arizona Historical Society, Tucson, AHS 24366)

Earps, who were dressed in suits, did not wear gun belts, but carried their arms either in the waistband of their trousers or in the coat pockets. Wyatt Earp and Doc Holliday are wearing frock coats, while Morgan and Virgil are wearing sack coats. Billy Clanton and the McLaurys are dressed in typical cowboy garb of the early 1880s. Trousers are woolen with the cuffs turned up. Colors are drab, known as "serviceable" because they minimized dirt and stains. The hats were perhaps the most serviceable items in their wardrobe. The wide brim shielded the eyes from the sun, and protected the face and neck from rain. It could be used to fan campfires, and could be rolled up to serve as a pillow. On the open range, a light-colored hat waving in the air was visible for long distances, and so it could be used for signaling. The horse is outfitted with a standard Western saddle, lariat, and Winchester rifle in a saddle scabbard.

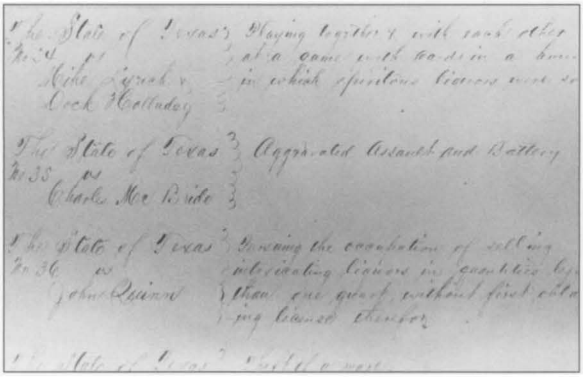
Dr. John Henry Holliday (**D1**) is almost cadaverous, his pasty cheeks sunk in under the bones, and eyes deep in the sockets. In fact, he is dying of tuberculosis, has had to abandon his profession of dentistry, and has become a bitter, alcoholic gambler. By his own admission, Wyatt Earp is his only friend. Having been up all night coughing blood, he was walking with a cane when he encountered the Earps before the fight, but Virgil Earp, who carried a revolver and a shotgun, took the cane and handed Doc the shotgun. Here Doc mortally wounds Tom McLaury with a blast.

Virgil Earp (**D2**) is carrying Doc Holliday's cane in his left hand and his Colt's revolver in his right. He will not fire a shot, but in a moment will drop from a shot in the leg fired by the wounded Billy Clanton.

The only one to come through the fight unscathed, Wyatt Earp (**D3**) was Billy Clanton's target from almost point-blank range when the shooting started. Wyatt, however, ignored him, and went for Frank McLaury, known to be the best shot of the three.

Morgan Earp (**D4**) has already shot Billy Clanton and Frank McLaury, but will get a shoulder wound from Billy's last shot. Still able to fire, Morgan and Wyatt will both finish Billy as he tries to stand up.

Billy Clanton (**D5**) slumps against the wall with two hits from Morgan Earp. Shot in the chest and right wrist, he is struggling to hold up his revolver with his left hand. He is wearing a handkerchief around his neck, where it can be tied over his face when the dust blows. He also has a woolen vest, almost universal attire among cowboys, because he could carry incidentals in the pockets; on horseback, trouser pockets were inaccessible, and anything carried in them was uncomfortable.



The State of Texas } Playing together & with each other
No. 24 vs } at a game with cards in a house
Mike Lynch & } in which spirituous liquors were so
Dock Holladay }

The State of Texas } Aggravated Assault and Battery
No. 35 vs
Charles McBride }

The State of Texas } Pursuing the occupation of selling
No. 36 vs } intoxicating liquors in quantities
John Quinn } than one quart without first obta
-ing license therefor

The State of Texas } Theft of a mare

Tom McLaury (**D6**) pitches backward from the blast of Doc Holliday's shotgun. Unarmed, he was trying to get the rifle from his brother Frank's saddle scabbard when the horse, terrified by the shooting, bolts and runs. Mortally wounded, he will stagger to the corner of Fremont and Third Street, and collapse. Like Billy, he wears a vest, and a light overcoat known as a duster. The duster had a deep vent, allowing the cowboy to tuck the tails under his seat, which would prevent the wind from blowing up his back while riding. The collarless shirt, though occasionally worn, was not common. Most cowboys wore a pullover shirt with a turned-down collar.

Shot by both Wyatt and Morgan Earp, Frank McLaury (**D7**) struggles to stay on his feet, and, with his last shot, will wound Doc Holliday in the hip. Within seconds, though, Frank will die of a second shot from Morgan, just below his ear. Like Billy Clanton, he wears a handkerchief around his neck, with suspenders holding up his trousers. Like Tom's collarless shirt, Frank's bib shirt was not common attire.

PLATE E: JOHN CLUM AND INDIAN POLICE

John Philip Clum (**E1**) became agent for the Apaches at San Carlos Reservation in Arizona at the age of 22, through his membership in the Dutch Reform Church which administered the Apache agencies. He was described as "brash, impudent, contentious and nearly impossible to get on with," but also "brave, intelligent, reliable in action, probably honest and, in sum, a fine agent." During his three-year tenure from 1874 to 1877, his highly efficient Apache Police brought in numerous renegades, including Geronimo, whom he and his officers arrested at Ojo Caliente, New Mexico. He is shown here with single-breasted frock coat often used in the West by those in official or business positions, collarless shirt, and knee-length boots. The scarf around his neck had multiple purposes. Besides wiping off sweat, it was used to clean alkali dust from the face, because washing with water would dissolve the alkali, and burn the skin and eyes. It could also be tied over the mouth and nose, to protect them from dust blowing in the high winds. The wide-brimmed, low, crowned hat protected the face from the intense Arizona sun.

The Apache Police officer (**E2**) speaking to Clum is wearing white attire with the knee-length Apache boot-moccasins. He has a flannel shirt and vest, and the trousers may be wool. His weapon and belt are government issue, the .45-55 Springfield carbine, and the Mills web cartridge belt. His hat is decorated Indian-style, as is the clasp holding his scarf in place.

Sergeant Eagle Man, a Lakota police officer of the Standing Rock Sioux Agency Police (**E3**) wears a government-issue blue uniform and native moccasins. His belt is civilian, but his sidearm is tucked in a government revolver holster with flap, and worn on the left side. The long arm is an 1875 Winchester rifle. He wears the badge of the U.S. Indian Police, and shoulder straps denote his rank. The hat is a civilian style, although Indian Police were issued government campaign hats as well.

The docket for the first session of the District Court of Shackelford County, Texas, in 1875, shows that Doc Holliday, whose name was misspelled, was charged along with a man named Mike Lynch for "Playing together & with each other at a game with cards in a house in which spirituous liquors were sold." (District Clerk's Office, Albany, Texas)

The man kneeling in front (**E4**) is a Crow Agency Police officer, whose reservation near Hardin, Montana, still encompasses the Little Bighorn Battlefield. He wears the traditional Crow panel leggings and moccasins and carries a night stick. His brass-buttoned vest and white sash also indicate that he is a police officer, as does the distinctive badge. Crow Police usually were recruited from the warrior societies.

The badges are locally-made Indian Police badges, the top one incorporating the owner's name.

PLATE F: THE THREE GUARDSMEN

William Tilghman, Henry (Heck) Thomas, and Christian Madsen were first brought together in the early 1890s by U.S. Marshal Evett Nix, to chase down the infamous Doolin gang. In December 1895, Tilghman tracked the rheumatic gang leader, Bill Doolin, to a health spa at Eureka Springs, Arkansas. Dressed as a preacher, he accosted Doolin in a bathhouse, and brought him to Guthrie, Oklahoma Territory, for trial. When Doolin escaped, the three went into action again. This time, Thomas tracked him to Lawson, Oklahoma, and in a brief fight, finished him with a blast from his shotgun.

Bat Masterson described Tilghman (**F1**) as "the greatest of us all," and many lawmen and citizens agreed. He is shown here in his preacher's garb, black cutaway coat, vest, and trousers, and string tie, carrying a Bible, and the revolver that caused Bill Doolin to think better of challenging him in the bathhouse. Tilghman continued his career as a lawman until November 1, 1924, when, at the age of 70, he was murdered by corrupt Prohibition officer Wiley Lynn. He left behind a young wife, and two small boys.

Heck Thomas (**F2**) was known as "Scissors-tails" for wearing a Prince Albert coat. Although Thomas could be a dandy, he was all business when it came to chasing badmen. He is shown here in his trademark working clothes—knee-high boots, worn outside the corduroy trousers, flannel shirt, neck tie, and two ivory-handled Colt's revolvers in his gun belt. He carries the shotgun he used to bring down Bill Doolin. Thomas died of Bright's disease in 1912.

Copenhagen native Chris Madsen (**F3**) already had more adventure before immigrating than many men know in a lifetime. A boy soldier, he served in the War of the Danish Duchies, and in 1870 was wounded at Sedan during the Franco-Prussian War. After a stint in the Foreign Legion in Algeria, he came to the United States, joined the Fifth Cavalry, and served in the Great Sioux War. He was an eyewitness to Buffalo Bill Cody's fight with the Cheyenne leader Yellow Hand at Warbonnet Creek in 1876, and later wrote an account of it. Leaving the army in 1891, he became deputy marshal a year later. He is shown in a business suit of the period, trousers outside his boots, his large, bushy, red moustache drooping almost to his chin. A gun belt would have been worn under the coat. Madsen lived the longest, dying in January 1944, six weeks short of his 93rd birthday.

PLATE G: BADGES AND GUNS

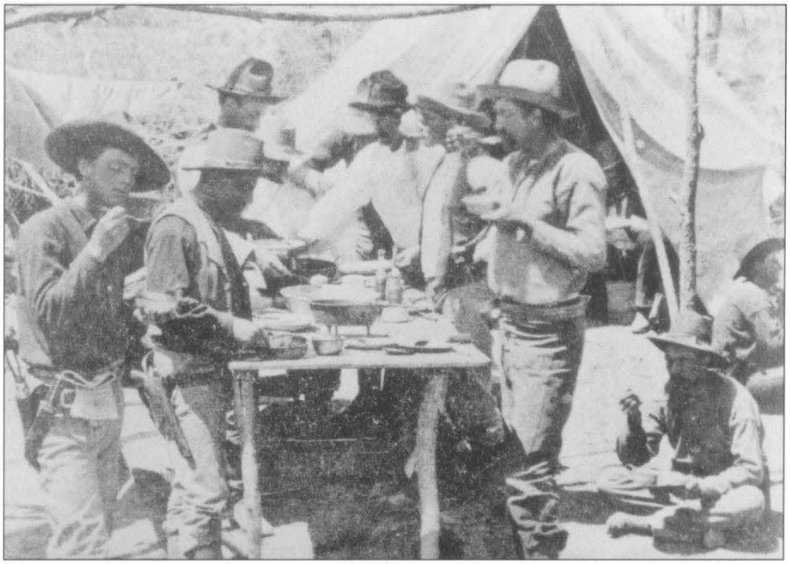
Each jurisdiction had its own badge, and some were elaborate. The Esmeralda, Nevada, sheriff carried a silver badge with letters in blue enamel (**G1**). Some jurisdictions, in gratitude to a particularly efficient or popular lawman, might even give him a special bejewelled presentation badge in silver and gold. The badge carrying the greatest authority, ironically, was one of the plainest – the United States marshal (**G3**). The federal government also issued badges to Indian Police officers (**G7**). Noticeably missing are the Texas Rangers, who were not issued badges until the 20th century. The badges are as follows:

G1 Nevada Sheriff Badge; **G2** Police Badge, Oklahoma City; **G3** Marshal's Star; **G4** Deputy badge; **G5** Orlando City Marshal's Badge; **G6** Deputy Badge; **G7** Indian Police Badge; **G8** Deputy's Badge

The Remington 10-Gauge Shotgun, a breach-loading, shell-firing, double-barrel shotgun (**G9**) was a preferred long-arm. Remington's standard model came with a 28-in. barrel, although gunfighters often cut it down for faster handling and a greater blast pattern at close range.

The Model 1851 Colt's Navy .36-caliber revolver (**G10**) was a favorite because of its light weight and the fact that it could be carried in the coat pocket. The drawback was that the ball and powder had to be loaded individually into each chamber and sealed with grease to keep the flash of one round from setting off the entire cylinder.

Colt's Model 1873 Single Action Army (**G11**) replaced the Navy. In its civilian configuration with 7½-inch barrel, it was known as the "Peacemaker." The Peacemaker fired a metallic cartridge that allowed faster loading and more reliable fire. Another favorite among lawmen was the No. 3 Smith & Wesson. Regardless of model or manufacturer, however, pistols generally were ineffective at distances greater than 25 yards.



Members of Capt. Dan Roberts's company of Texas Rangers settle down for a meal near Fort McKavett, in the Texas Hill Country, a region especially noted for its blood feuds. (Texas Ranger Hall of Fame, Waco, Texas)

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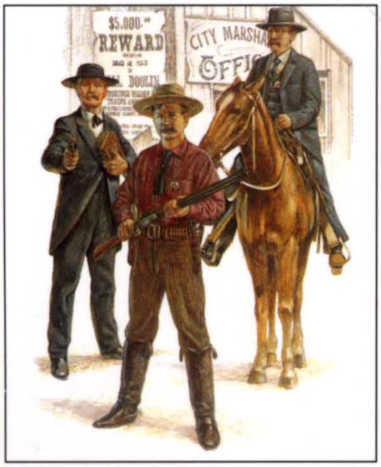
American Frontier Lawmen 1850–1930

In the 1840s, gold had officially been discovered in California, and many men made their way out West in search of riches. The early mining camps were dangerous places full of violence and crime. Law and order was needed, and the Vigilante Committee became the first organized deliverer of justice in these turbulent new towns. As more and more people headed out West, and many new towns sprang up, a more official system of law was created. From the days of the California Gold Rush to the killing of Bill Tilghman, the last of the traditional frontier lawmen, this book discusses the men who shaped law and order in the "Wild West."



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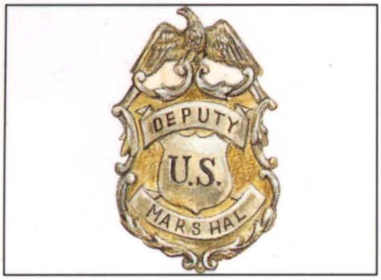

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